

# **City of Carmel**

## **Common Council**

**June 5, 2006  
6:00 P.M.**

**COMMON COUNCIL**  
**MEETING AGENDA**  
MONDAY, JUNE 5, 2006 – 6:00 P.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
  - a. May 15, 2006 Regular Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
  - Payroll
  - General Claims
  - Retirement
9. COMMITTEE REPORTS
  - a. Finance, Administration and Rules Committee
  - b. Land Use, Annexation and Economic Development Committee
  - c. Parks, Recreation and Arts Committee
  - d. Utilities, Transportation and Public Safety Committee

## 10. OLD BUSINESS

- a. **Fifth Reading of Ordinance D-1799-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects); Sponsor(s): Councilor(s) Glaser and Sharp.
- b. **Third Reading of Ordinance D-1806-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving a Lease for Certain Public Improvements Between the City of Carmel Redevelopment Authority and the City of Carmel Redevelopment Commission, Pledging County Option Income Tax Revenues of City to Pay Certain Lease Rental Obligations Thereunder, and Taking Other Actions Related Thereto (\$6,100,000); Sponsor(s): Councilor(s) Carter, Sharp, Griffiths and Mayo.
- c. **Fourth Reading of Ordinance Z-489-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the Property Located Southwest of the Intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian Mixed Use (OM/MU) Classification (Centex Homes-Old Meridian); Sponsor: Councilor Glaser.

## 11. PUBLIC HEARINGS

- a. **Second Reading of Ordinance Z-491-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Fortune Planned Unit Development District; Sponsor: Councilor Rattermann.
- b. **First Reading of Ordinance Z-492-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Village Green Planned Unit Development District (Village Green Townhomes – 211 West Smokey Row Road); Sponsor: Councilor Rattermann.

## 12. NEW BUSINESS

- a. **First Reading of Ordinance D-1807-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Enacting and Adopting a Supplement to the Code of Ordinances of the city of Carmel, Indiana (ALP 1st Quarter 2006); Sponsor: Councilor Glaser.
- b. **First Reading of Ordinance D-1809-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating A Platted Right-Of-Way (Pearl Street – Rolling Meadows Subdivision); Sponsor: Councilor Sharp.
- c. **First Reading of Ordinance D-1810-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 5, Division VIII, Sections 6-161(b)(3) and 6-161(c)(1) of the Carmel City Code (No Smoking); Sponsor: Councilor Griffiths.

- d. **First Reading of Ordinance D-1811-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Concerning Council District Boundaries; Sponsor(s): Councilor(s) Sharp, Glaser, Griffiths, Kirby and Mayo.
- e. **Resolution CC-06-05-06-01**; A Resolution of the Common Council of the City of Carmel, Indiana, Expressing Interest in the Purchase of Certain Properties Valued at Over \$25,000 and Associated with the City's Road Improvement Projects (Five Properties); Sponsor: Councilor Sharp.

13. **OTHER BUSINESS**

- a. **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05
- b. Property Abatements/Compliance with Statement of Benefits:
  - 1. 303 Group LLC (Specialty Risk International)
  - 2. Allete Automotive Services
  - 3. Dealer Services Corporation
  - 4. PHT Investment Holdings, LLC (SB-1 Filed Under CIHS NEWCO – Medical Office Building) **NEW OWNER.**
  - 5. The Heart Center of Indiana, LLC (Formerly filed as CIHS NEWCO, LLC)

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENTS**

16. **ADJOURNMENT**

# COMMON COUNCIL MEETING MINUTES

MONDAY, MAY 15, 2006 – 6:00 P.M.

COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members Kevin Kirby, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Councilor Brian D. Mayo was not in attendance.

Mayor Brainard called the meeting to order at 6:03 p.m.

Pastor Luther Brunette, Carmel Lutheran Church, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

## RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

## APPROVAL OF MINUTES:

Councilor Griffiths made a motion to approve the Minutes of the May 1, 2006 Regular Meeting. Councilor Glaser seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 6-0.

## RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

Wayne Wilson, 24 Wilson Drive, Carmel, IN 46032, addressed the Council regarding concerns with Ordinance D-1806-06 (Bond for road projects).

## COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Councilor Rattermann reviewed with the public and members of the audience how to log on to the City web site and review the City Council paperless packets.

Councilor Carter, Councilor Glaser, Council President Sharp and Mayor Brainard all commented on the Bond issue (Ordinance D-1806-06) that was discussed by Wayne Wilson.

## ACTION ON MAYORAL VETOES:

There were none.

1  
2 **CLAIMS:**  
3

4 Councilor Griffiths made a motion to approve the claims in the amount of \$943,008.51. Councilor Carter  
5 seconded. There was no Council discussion. Council President Sharp called for the question. Claims  
6 were approved 6-0.  
7

8 **COMMITTEE REPORTS:**  
9

10 Councilor Rattermann reported that the Finance, Administration and Rules Committee met this evening.  
11 They discussed Ordinance D-1799-06 which will remain in committee. The committee is recommending  
12 changing their meetings to the second Wednesday of every month at 4:00 p.m. The Clerk-Treasurer's  
13 office will check the City calendar and advise Councilor Rattermann.  
14

15 Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met on  
16 Thursday, May 10, 2006 and discussed Ordinance Z-488-06 which was sent to the full Council with a  
17 favorable recommendation, Ordinance Z-489-06 which will remain in committee, Ordinance Z-490-06  
18 which was sent to the full Council with a favorable recommendation, and Ordinance D-1803-06 which  
19 was sent to the full Council with a 2-1 favorable recommendation.  
20

21 Councilor Carter reported that the Parks, Recreation and Arts Committee met on Tuesday, May 9, 2006  
22 and discussed the Central Park progress and the Monon covenants. The next meeting will be on Tuesday,  
23 June 13, 2006.  
24

25 Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee had not met.  
26

27 **OLD BUSINESS**  
28

29 **Fourth Reading of Ordinance D-1799-06;** An Ordinance of the Common Council of the City of Carmel,  
30 Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family  
31 Bidding Restriction On Public Works Projects); Sponsor(s): Councilor(s) Glaser and Sharp. (Remains in  
32 the Finance Committee).  
33

34 Council President Sharp announced the **Third Reading of Ordinance D-1802-06;** An Ordinance of the  
35 Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-  
36 62 of the Carmel City Code (Procedure For Use of City Credit Cards). Councilor Rattermann reported  
37 that this ordinance was sent to the full Council with a 2-0 favorable recommendation from the Finance  
38 Committee. There was no Council discussion. Council President Sharp called for the question.  
39

40 **Ordinance D-1802-06** was adopted 6-0.  
41

42 Council President Sharp announced the **Second Reading of Ordinance D-1803-06;** An Ordinance of the  
43 Common Council of the City of Carmel, Indiana, Adopting a Property Maintenance Code. Councilor  
44 Carter made a motion to adopt amended VERSION A May 12, 2006. Councilor Kirby seconded. There  
45 was no Council discussion. Council President Sharp called for the question. The motion was approved  
46 5-1 (Councilor Rattermann opposed). There was brief Council discussion. Council President Sharp  
47 called for the question. **Ordinance D-1803-06, As Amended**, was adopted 4-2 (Councilors Griffiths and  
48 Rattermann opposed).  
49

Council President Sharp announced the **Second Reading of Ordinance D-1805-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Providing for an Additional Appropriation of Funds from the Operating Balance of the City of Carmel General Fund (\$325,000), MVH Fund (\$450,000), Police Pension Fund (\$15,308) and Fire Pension Funds (\$74,677). There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1805-06** was adopted 6-0.

**Second Reading of Ordinance D-1806-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving a Lease for Certain Public Improvements Between the City of Carmel Redevelopment Authority and the City of Carmel Redevelopment Commission, Pledging County Option Income Tax Revenues of City to Pay Certain Lease Rental Obligations Thereunder, and Taking Other Actions Related Thereto (\$6,100,000). Sponsor(s): Councilor(s) Carter, Sharp, Griffiths and Mayo. (Remains in the Finance Committee).

Council President Sharp announced the **Third Reading of Ordinance Z-488-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the Schedule of Uses of the Carmel Zoning Ordinance (Appendix A). There was no Council discussion. Council President Sharp called for the question. **Ordinance Z-488-06** was adopted 6-0.

**Third Reading of Ordinance Z-489-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the Property Located Southwest of the Intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian Mixed Use (OM/MU) Classification (Centex Homes-Old Meridian); Sponsor: Councilor Glaser. (Remains in the LUAC Committee).

Council President Sharp announced the **Second Reading of Ordinance Z-490-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the Michigan Road Overlay Zone in the Carmel Zoning Ordinance (ZO Chapter 23C). There was no Council discussion. Council President Sharp called for the question. **Ordinance Z-490-06** was adopted 6-0.

## **PUBLIC HEARINGS**

Council President Sharp announced the **First Reading of Ordinance Z-491-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Fortune Planned Unit Development District. Councilor Rattermann made a motion to move this item into business. Councilor Carter seconded. Councilor Rattermann referred to Charlie Frankenberger, Attorney, Nelson & Frankenberger, 3105 East 98<sup>th</sup> Street, Suite 170, Indianapolis, Indiana 46280, for a presentation to Council. Also in attendance was Bruce Breeden and land owners Tom Neal, Wendy Fortune and Mark and Becky Herbison. Also representing The Indiana Land Development was Paul Shoopman.

The following individual expressed concerns regarding Ordinance Z-491-06:

Joe Shumaker	14505 Baldwin Lane, Carmel, IN 46032
--------------	--------------------------------------

The following individuals spoke in favor of Ordinance Z-491-06:

Ronnie Lynn	7326 N. Layman, Indianapolis, IN 46250
Sara Pechous	5202 Sherwood Court, Carmel, IN 46033

1 The following individuals spoke in opposition to Ordinance Z-491-06:  
2

Marilyn Anderson (attachment 1)	3884 Shelborne Court, Carmel, IN 46032
Henry Leopold	11451 Sutton Place Drive East, Carmel, IN 46032
Nadine Baker (attachment 2)	2495 Durbin Drive, Carmel, IN 46032
Tony Papay	2030 W. 136 <sup>th</sup> Street, Carmel, IN 46032
Carol Hartman	12881 Shelborne Road, Carmel, IN 46033
Fred Yde	2117 Burning Tree Lane, Carmel, IN 46032
Brian Baker (attachment 3)	2495 Durbin Drive, Carmel, IN 46032
Dee Fox	11389 Royal Court, Carmel, IN 46032
Dr. John Smith	2885 W. 131 <sup>st</sup> Street, Carmel, IN 46032
Alan Peacock	13218 Lamana Place, Westfield, IN 46074

3  
4 Council President Sharp announced at 8:05 p.m. that the Public Hearing would remain open. There was  
5 brief Council discussion. Paul Shoopman, 4550 W. 116<sup>th</sup> Street, Zionsville, IN 46077, addressed the  
6 Council. Council President Sharp referred Ordinance Z-491-06 to the Land Use, Annexation and  
7 Economic Development Committee for further review and consideration.  
8

9 **NEW BUSINESS**

10  
11 There was none.  
12

13 **OTHER BUSINESS**  
14

15 **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel,  
16 Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED  
17 12/19/05. This ordinance remains Tabled.  
18

19 **ANNOUNCEMENTS**  
20

21 There were none.  
22

23 **EXECUTION OF DOCUMENTS**  
24

25 Mayor Brainard adjourned the meeting at 8:13 p.m.  
26

27 **ADJOURNMENT**  
28

29 Respectfully submitted,  
30

31  
32 \_\_\_\_\_  
33 Clerk-Treasurer Diana L. Cordray, IAMC  
34

35 Approved,  
36

37 \_\_\_\_\_  
38 Mayor James Brainard  
39

40 ATTEST:  
41

42 \_\_\_\_\_  
43 Clerk-Treasurer Diana L. Cordray, IAMC  
44

05/15/06 CC Minutes



**ORDINANCE D-1799-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
PERTAINING TO BIDDING ON CERTAIN PUBLIC WORKS PROJECTS**

**WHEREAS**, the City is authorized to enter into contracts for the construction, alteration and renovation of public buildings and structures that are paid for out of public funds; and

**WHEREAS**, Indiana Code 36-1-12 does not regulate City public works projects of less than Fifty Thousand Dollars (\$50,000.00) in value; and

**WHEREAS**, several recent public works projects with values of less than Fifty Thousand Dollars (\$50,000.00) have been awarded to persons who are City employees, which has been viewed by some members of the public as suggesting that City employees have an unfair advantage in seeking such projects; and

**WHEREAS**, although the Common Council has no knowledge nor belief that any City employee has actually obtained any advantage in seeking any City public works project, it is very important that the public's trust not be diminished by even the suggestion of impropriety regarding the awarding of such projects; and

**WHEREAS**, to ensure that the public appearance, as well as the actuality, of impartiality is present in the awarding of all City public works projects, it is proper to now prohibit any full-time City employee, as well as any member of such employee's immediate family, from being eligible to seek and/or to be awarded any contract for any City public works project having a value of less than Fifty Thousand Dollars (\$50,000.00) and paid primarily or wholly out of public funds.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

**Section 1.** The foregoing Recitals are incorporated herein by this reference.

**Section 2.** Chapter 2, Article 5, Section 2-183 should be and the same is hereby adopted and added to the Carmel City Code and shall read as follows:

**"Sec. 2-183 Immediate Family Bidding Restriction On Public Works Projects.**

- a. No full-time employee of the City, nor such person's spouse, nor anyone within the first degree of consanguinity of such person or of such person's spouse (e.g., within one degree of relationship by blood or marriage) shall be eligible to seek and/or to be awarded any contract for any City public works project having a value of less than Fifty Thousand Dollars (\$50,000.00), eighty percent (80%) or more of which is paid out of public funds.

Page One of Three Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on February 22, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

- b. Any quote or other proposal received by the City in violation of this Section shall be deemed null and void and shall not be considered when awarding the public works project contract to which it relates."

Section 3. The remaining provisions of Carmel City Code Chapter 2, Article 5, are not affected by this Ordinance and remain in full force and effect.

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 5. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor pursuant to Indiana law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-1799-06

Page Two of Three Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on February 22, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_,  
2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_  
2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
James Brainard, Mayor

**ATTEST:**

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance No. D-1799-06  
Page Three of Three Pages

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on February 22, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

1 SPONSOR(S): Councilor(s) Carter, Sharp, Griffiths and Mayo

2  
3 ORDINANCE D-1806-06

4  
5 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF  
6 CARMEL, INDIANA, APPROVING A LEASE FOR CERTAIN PUBLIC  
7 IMPROVEMENTS BETWEEN THE CITY OF CARMEL  
8 REDEVELOPMENT AUTHORITY AND THE CITY OF CARMEL  
9 REDEVELOPMENT COMMISSION, PLEDGING COUNTY OPTION  
10 INCOME TAX REVENUES OF CITY TO PAY CERTAIN LEASE  
11 RENTAL OBLIGATIONS THEREUNDER, AND TAKING OTHER  
12 ACTIONS RELATED THERETO  
13  
14

15 WHEREAS, the City of Carmel Redevelopment Commission (the "Commission"), at a  
16 meeting on May 3, 2006, after a public hearing in which all interested parties were provided the  
17 opportunity to be heard, adopted its Resolution, approving a proposed lease (the "Lease")  
18 between the City of Carmel Redevelopment Authority (the "Authority") and the Commission,  
19 under Section 25.2 of Indiana Code 36-7-14 (the "Act"), of certain public improvements  
20 consisting of a portion of Towne Road and Shelborne Road north of 116th Street and a Survive  
21 Alive House to be constructed in the City of Carmel, Indiana (collectively, the "Project"), after  
22 finding, pursuant to Indiana Code 36-7-14.5-14, that the annual lease rentals to be paid  
23 thereunder not in excess of Six Million One Hundred Thousand Dollars (\$6,100,000) are fair and  
24 reasonable and finding, pursuant to the Act, that the use of the Project throughout the term of the  
25 Lease will serve the public purpose of the City of Carmel, Indiana (the "City"), and is in the best  
26 interests of its residents; and  
27

28 WHEREAS, the lease rental payments under the Lease will secure the payment of the  
29 principal of and interest on the Authority's Lease Rental Revenue Bonds, Series 2006 (the  
30 "Bonds"), to be issued to finance the acquisition, construction, installation and equipping of the  
31 projects listed in Exhibit A attached hereto and made a part hereof; and  
32

33 WHEREAS, pursuant to the Act, the Common Council of the City (the "Common  
34 Council") desires to approve the execution and delivery of the Lease by the Authority and the  
35 Commission; and  
36

37 WHEREAS, the Hamilton County Income Tax Council has imposed a county option  
38 income tax (the "COIT") pursuant to Indiana Code 6-3.5-6, as amended (the "COIT Act"), on the  
39 adjusted gross income of taxpayers in Hamilton County, Indiana (the "County"); and  
40

41 WHEREAS, the COIT Act provides that revenue derived from the imposition of the  
42 COIT shall be distributed to the County monthly on the first day of each month (the City's share  
43 of each such monthly distribution, a "Monthly Distribution"); and  
44

45 WHEREAS, Section 25.5 of the Act authorizes the City to pledge its Monthly  
46 Distributions of COIT revenues to pay lease rental obligations under Section 25.2 of the Act; and

1 WHEREAS, on July 7, 1997, the Common Council adopted its Ordinance No. D-1302-97  
2 (the "COIT Ordinance"), pursuant to which the Common Council, on behalf of the City, pledged  
3 and assigned the City's Monthly Distributions of COIT revenues for the payment of any bond,  
4 note, warrant or other evidence of indebtedness, any lease or any other obligation (any bond,  
5 note, warrant or other evidence of indebtedness, any lease or any other obligation, individually,  
6 an "Obligation" and, collectively, the "Obligations") identified by ordinance of the Common  
7 Council as an obligation secured by the COIT Ordinance (any Obligation so identified as an  
8 obligation secured by the COIT Ordinance, individually, a "Secured Obligation" and,  
9 collectively, the "Secured Obligations"), if certain conditions are satisfied, and such conditions  
10 have been satisfied;

11  
12 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
13 CITY OF CARMEL, INDIANA THAT:

14  
15 Section 1. Approval of the Lease. The Common Council hereby finds that the rental  
16 payments, as approved by the Commission, are fair and reasonable, and further finds that the use  
17 of the Project throughout the term of the Lease will serve the public purpose of the City and is in  
18 the best interests of its residents. Accordingly, the Common Council hereby approves the Lease,  
19 as approved by the Commission, pursuant to the Act, in substantially the form provided at this  
20 meeting.

21  
22 Section 2. Pledge of Pledged Revenues. Pursuant to Section 25.5 of the Act, the  
23 Common Council, on behalf of the City, hereby pledges and assigns the City's Monthly  
24 Distributions of COIT Ordinance to the Commission in amounts necessary to make all payments  
25 required under the Lease.

26  
27 Section 3. Creation of Contract; Amendment of Ordinance.

28  
29 (a) The provisions of this Ordinance shall constitute a contract by and  
30 between the City and the obligees of the Secured Obligations (including the holders of  
31 the Bonds). After the issuance of any Secured Obligations, the Common Council shall  
32 not, except as specifically provided in Section 3(b) or 3(c) hereof, repeal, modify or  
33 amend this Ordinance.

34  
35 (b) The Common Council may, from time to time and at any time, without the  
36 consent of or notice to any obligees under any Secured Obligations, adopt a supplemental  
37 ordinance to modify or amend this Ordinance for any one or more of the following  
38 purposes:

39  
40 (i) to cure any ambiguity or formal defect or omission in this  
41 Ordinance or in any supplemental ordinance;

42  
43 (ii) To grant to or confer upon any obligees under any Secured  
44 Obligations any additional benefits, rights, remedies, powers, authority or security  
45

1 that may lawfully be granted to or conferred upon such obligees under such  
2 Secured Obligations;

3  
4 (iii) To modify or amend this Ordinance to permit the qualification of  
5 any Secured Obligations for sale under the securities laws of the United States of  
6 America or any of the states of the United States of America;

7  
8 (iv) To provide for the refunding or advance refunding of any Secured  
9 Obligations;

10  
11 (v) to procure a rating on any Secured Obligations from a nationally  
12 recognized securities rating agency, designated in such supplemental ordinance if  
13 such supplemental ordinance will not materially adversely affect the interests of  
14 any obligees under any Secured Obligations;

15  
16 (vi) To make changes to reflect the identification of any Obligation as  
17 an obligation secured by the COIT Ordinance in accordance with Section 3  
18 thereof; or

19  
20 (vii) Any other purpose which, in the judgment of the Common  
21 Council, does not materially adversely affect the interests of any obligees under  
22 any Secured Obligations.

23  
24 (c) This Ordinance, and the rights and obligations of the City and any  
25 obligees under any Secured Obligations, may be modified or amended from time to time  
26 at any time by a supplemental ordinance adopted by the Common Council with the  
27 consent of the obligees under the Secured Obligations affected by such modification or  
28 amendment, holding at least a majority in aggregate principal amount of such Secured  
29 obligations then outstanding (exclusive of Secured Obligations, if any owned by the  
30 City); provided, however, that no such modification or amendment shall, without the  
31 express consent of all of the obligees under the Secured Obligations affected by such  
32 modification or amendment, permit a privilege or priority of any of such Secured  
33 Obligations over any other of such Secured Obligations, or create a lien securing any of  
34 such Secured Obligations other than a lien ratably securing all of such Secured  
35 Obligations, nor shall any such modification or amendment reduce the percentage of  
36 consent required for amendment or modification of this Ordinance.

37  
38 Any act done pursuant to a modification or amendment so consented to shall be  
39 binding upon all the obligees under the Secured Obligations and shall not be deemed an  
40 infringement of any of the provisions of this Ordinance, and may be done and performed  
41 as fully and freely as if expressly permitted by the terms of this Ordinance, and, after  
42 such consent relating to such specified matters has been given, no obligees under the  
43 Secured Obligations shall have any right or interest to object to such action or in any  
44 manner to question the propriety thereof or to enjoin or restrain the City of any officer  
45 thereof from taking any action pursuant thereto.

1 If the City shall desire to obtain any such consent to any modification or  
2 amendment of this Ordinance, it shall mail or cause to be mailed a notice, postage  
3 prepaid, to the respective obligees under the Secured Obligations affected by such  
4 modification or amendment. Such notice shall briefly set forth the nature of the proposed  
5 supplemental ordinance and shall state that a copy thereof is on file for inspection by all  
6 obligees under such Secured Obligations. The City shall not, however, be subject to any  
7 liability to any obligees under any Secured Obligations by reason of its failure to mail the  
8 notice described in this Section 3, and any such failure shall not affect the validity of such  
9 supplemental ordinance when consented to and approved as provided in this Section 3.

10  
11 Whenever, at any time within one year after the date of the mailing of such notice,  
12 the City shall receive an instrument or instruments purporting to be executed by the  
13 obligees under such Secured Obligations of not less than a majority in aggregate principal  
14 amount of such Secured Obligations then outstanding (executive of Secured Obligations,  
15 if any, owned by the City), which instrument or instruments shall refer to the proposed  
16 supplemental ordinance described in such notice, and shall specifically consent to and  
17 approve the adoption thereof in substantially the form of the copy thereof referred to in  
18 such notice as on file, thereupon, but not otherwise, the Common Council may adopt  
19 such supplemental ordinance in substantially such form, without liability or responsibility  
20 to any obligees under the Secured Obligations, whether or not such obligee shall have  
21 consented thereto.

22  
23 (d) Upon the adoption of any supplemental ordinance pursuant to the  
24 provisions of this Section 3, this Ordinance shall be, and is deemed to be, modified and  
25 amended in accordance therewith, and the respective rights, duties and obligations under  
26 this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject  
27 in all respects to such modifications and amendments.

28  
29 Section 4. Severability. If any part of this Ordinance shall be adjusted to be invalid by a  
30 court of proper jurisdiction, it shall be conclusively presumed that the Common Council would  
31 have passed the remainder of this Ordinance without such invalid part.

32  
33 Section 5. Repeal of Conflicting Ordinances. All ordinances, resolutions and orders, or  
34 parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict,  
35 hereby repealed.

36  
37 Section 6. Authorization of other Actions. Each of the Mayor, any member of the  
38 Common Council and the Clerk-Treasurer, and any other officer, employee or agent of the City  
39 is hereby authorized and directed, for and on behalf of the City, to execute and deliver any  
40 contract, agreement, certificate, instrument or other document and to take any action as such  
41 person determines to be necessary or appropriate to accomplish the purposes of this Ordinance,  
42 such determination to be conclusively evidenced by such person's execution of such contract,  
43 agreement, certificate, instrument or other document or such person's taking of such action.

44  
45 Section 7. This Ordinance shall be in full force and effect from and after its adoption by  
46 the Common Council and upon compliance with the procedures required by law.

47  
48 **Ordinance D-1806-06 PASSED** by the Common Council of the City of Carmel, Indiana this  
49 \_\_\_\_\_ day of \_\_\_\_\_, 2006 by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2  
3  
4 \_\_\_\_\_  
5 Presiding Officer

\_\_\_\_\_ Joseph C. Griffiths

6  
7 Richard L. Sharp, President Pro Tempore

\_\_\_\_\_ Kevin Kirby

8  
9  
10 Ronald E. Carter

\_\_\_\_\_ Brian D. Mayo

11  
12  
13 Fredrick J. Glaser

\_\_\_\_\_ Mark Rattermann

14  
15 ATTEST:

16  
17 \_\_\_\_\_  
18 Diana L. Cordray, IAMC, Clerk-Treasurer

19  
20 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
21 \_\_\_\_\_ 2006, at \_\_\_\_\_.M.

22  
23  
24 \_\_\_\_\_  
25 Diana L. Cordray, IAMC, Clerk-Treasurer

26 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
27 \_\_\_\_\_ 2006 at \_\_\_\_\_.M.

28  
29  
30 \_\_\_\_\_  
31 James Brainard, Mayor

32 ATTEST:

33  
34 \_\_\_\_\_  
35 Diana L. Cordray, IAMC, Clerk-Treasurer

36  
37 **Prepared by:** David A. Arrensen  
38 Baker & Daniels LLP  
39 300 North Meridian Street, Suite 2700  
40 Indianapolis, Indiana 46204



**EXHIBIT A****2006 Bond Projects**

Revised 4/18/2006

2006 BOND	Project Description	2006 Bond Project Cost	Funding Anticipated From Other Sources	Total Estimated Project Cost
	Towne Road - Improvements north of 116th Street (4-lane)	\$ 10,000,000	\$ 2,000,000	\$ 12,000,000
	Shelbourne Road - Improvements north of 116th Street (3-lane Section)	\$ 9,000,000	\$ 300,000	\$ 9,300,000
	131st Street from Spring Mill to Towne (3-lane Section)	\$ 9,000,000	\$ -	\$ 9,000,000
	131st Street from Towne to Shelbourne (3-lane Section)	\$ 4,500,000	\$ -	\$ 4,500,000
	136th Street from Oak Ridge to Ditch (3-Lane Section)	\$ 5,000,000	\$ 1,550,000	\$ 6,550,000
	East Grande Boulevard (Guilford to Old Meridian)	\$ 1,900,000	\$ -	\$ 1,900,000
	West Grande Boulevard (RAB @ Old Meridian)	\$ 1,800,000	\$ -	\$ 1,800,000
	Pennsylvania Street - 106th to 103rd (3-lane Section)	\$ 3,000,000	\$ -	\$ 3,000,000
	Survive Alive House	\$ 2,500,000	\$ -	\$ 2,500,000
	Cool Creek North Trail	\$ 2,800,000	\$ 250,000	\$ 3,050,000
	N. Rangeline - 136th north to US 31- (3-lane Section)	\$ 3,000,000	\$ -	\$ 3,000,000
	Monon Bridge Over Carmel Drive	\$ 600,000	\$ 2,400,000	\$ 3,000,000
	East Side Salt Barn/Shed & Shop	\$ 1,800,000	\$ -	\$ 1,800,000
	River Road Alignment - Medalist Drive to Golf Course Curve (3-Lane Section, intersection improvements at Medalist)	\$ 2,500,000	\$ -	\$ 2,500,000
	Police Maintenance Building	\$ 1,000,000	\$ -	\$ 1,000,000
	Guilford Road - City Center to Main Street Enhancements (Curbing)	\$ 750,000	\$ -	\$ 750,000
	Guilford Road - 116th Street to Carmel Drive (3-Lane Section, signal improvements at Carmel Drive)	\$ 2,500,000	\$ 250,000	\$ 2,750,000
	126th Street - Shelborne Rd. to Towne Rd. (3-Lane Section)	\$ 3,300,000		\$ 3,300,000
	Clay Center Rd. & 116th Street Intersection Improvements (Including Replacement of Clay Ctr. Bridge over Will Creek)	\$ 1,150,000		\$ 1,150,000
	<b>TOTAL</b>	<b>\$ 66,100,000</b>	<b>\$ 6,750,000</b>	<b>\$ 72,850,000</b>

1 **SPONSOR(S): Councilor(s) Carter, Sharp, Griffiths and Mayo**

2  
3 **ORDINANCE D-1806-06**  
4 **AS AMENDED**  
5

6 **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF**  
7 **CARMEL, INDIANA, APPROVING A LEASE FOR CERTAIN PUBLIC**  
8 **IMPROVEMENTS BETWEEN THE CITY OF CARMEL**  
9 **REDEVELOPMENT AUTHORITY AND THE CITY OF CARMEL**  
10 **REDEVELOPMENT COMMISSION, PLEDGING COUNTY OPTION**  
11 **INCOME TAX REVENUES OF CITY TO PAY CERTAIN LEASE**  
12 **RENTAL OBLIGATIONS THEREUNDER, AND TAKING OTHER**  
13 **ACTIONS RELATED THERETO**  
14

15 WHEREAS, the City of Carmel Redevelopment Commission (the "Commission"), at a  
16 meeting on May 3, 2006, after a public hearing in which all interested parties were provided the  
17 opportunity to be heard, adopted its Resolution, approving a proposed lease (the "Lease")  
18 between the City of Carmel Redevelopment Authority (the "Authority") and the Commission,  
19 under Section 25.2 of Indiana Code 36-7-14 (the "Act"), of certain public improvements  
20 consisting of a portion of Towne Road and Shelborne Road north of 116th Street and a Survive  
21 Alive House to be constructed in the City of Carmel, Indiana (collectively, the "Project"), after  
22 finding, pursuant to Indiana Code 36-7-14.5-14, that the annual lease rentals to be paid  
23 thereunder not in excess of Six Million One Hundred Thousand Dollars (\$6,100,000) are fair and  
24 reasonable and finding, pursuant to the Act, that the use of the Project throughout the term of the  
25 Lease will serve the public purpose of the City of Carmel, Indiana (the "City"), and is in the best  
26 interests of its residents; and  
27

28 WHEREAS, the lease rental payments under the Lease will secure the payment of the  
29 principal of and interest on the Authority's Lease Rental Revenue Bonds, Series 2006 (the  
30 "Bonds"), to be issued to finance the acquisition, construction, installation and equipping of the  
31 projects listed in Exhibit A attached hereto and made a part hereof; and  
32

33 WHEREAS, pursuant to the Act, the Common Council of the City (the "Common  
34 Council") desires to approve the execution and delivery of the Lease by the Authority and the  
35 Commission; and  
36

37 WHEREAS, the Hamilton County Income Tax Council has imposed a county option  
38 income tax (the "COIT") pursuant to Indiana Code 6-3.5-6, as amended (the "COIT Act"), on the  
39 adjusted gross income of taxpayers in Hamilton County, Indiana (the "County"); and  
40

41 WHEREAS, the COIT Act provides that revenue derived from the imposition of the  
42 COIT shall be distributed to the County monthly on the first day of each month (the City's share  
43 of each such monthly distribution, a "Monthly Distribution"); and  
44

45 WHEREAS, Section 25.5 of the Act authorizes the City to pledge its Monthly  
46 Distributions of COIT revenues to pay lease rental obligations under Section 25.2 of the Act; and  
47

1 WHEREAS, on July 7, 1997, the Common Council adopted its Ordinance No. D-1302-97  
2 (the "COIT Ordinance"), pursuant to which the Common Council, on behalf of the City, pledged  
3 and assigned the City's Monthly Distributions of COIT revenues for the payment of any bond,  
4 note, warrant or other evidence of indebtedness, any lease or any other obligation (any bond,  
5 note, warrant or other evidence of indebtedness, any lease or any other obligation, individually,  
6 an "Obligation" and, collectively, the "Obligations") identified by ordinance of the Common  
7 Council as an obligation secured by the COIT Ordinance (any Obligation so identified as an  
8 obligation secured by the COIT Ordinance, individually, a "Secured Obligation" and,  
9 collectively, the "Secured Obligations"), if certain conditions are satisfied, and such conditions  
10 have been satisfied;  
11

12 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
13 CITY OF CARMEL, INDIANA THAT:  
14

15 Section 1. Approval of the Lease. The Common Council hereby finds that the rental  
16 payments, as approved by the Commission, are fair and reasonable, and further finds that the use  
17 of the Project throughout the term of the Lease will serve the public purpose of the City and is in  
18 the best interests of its residents. Accordingly, the Common Council hereby approves the Lease,  
19 as approved by the Commission, pursuant to the Act, in substantially the form provided at this  
20 meeting.  
21

22 Section 2. Pledge of Pledged Revenues. Pursuant to Section 25.5 of the Act, the  
23 Common Council, on behalf of the City, hereby pledges and assigns the City's Monthly  
24 Distributions of COIT revenues to the Commission in amounts necessary to make all payments  
25 required under the Lease. The Common Council hereby identifies the rental payments under the  
26 Lease as obligations secured by the COIT Ordinance.  
27

28 Section 3. Creation of Contract; Amendment of Ordinance.  
29

30 (a) The provisions of this Ordinance shall constitute a contract by and  
31 between the City and the obligees of the Secured Obligations (including the holders of  
32 the Bonds). After the issuance of any Secured Obligations, the Common Council shall  
33 not, except as specifically provided in Section 3(b) or 3(c) hereof, repeal, modify or  
34 amend this Ordinance.  
35

36 (b) The Common Council may, from time to time and at any time, without the  
37 consent of or notice to any obligees under any Secured Obligations, adopt a supplemental  
38 ordinance to modify or amend this Ordinance for any one or more of the following  
39 purposes:  
40

41 (i) to cure any ambiguity or formal defect or omission in this  
42 Ordinance or in any supplemental ordinance;  
43

44 (ii) To grant to or confer upon any obligees under any Secured  
45 Obligations any additional benefits, rights, remedies, powers, authority or security  
46 that may lawfully be granted to or conferred upon such obligees under such  
47 Secured Obligations;  
48

1 (iii) To modify or amend this Ordinance to permit the qualification of  
2 any Secured Obligations for sale under the securities laws of the United States of  
3 America or any of the states of the United States of America;

4  
5 (iv) To provide for the refunding or advance refunding of any Secured  
6 Obligations;

7  
8 (v) to procure a rating on any Secured Obligations from a nationally  
9 recognized securities rating agency, designated in such supplemental ordinance if  
10 such supplemental ordinance will not materially adversely affect the interests of  
11 any obligees under any Secured Obligations;

12  
13 (vi) To make changes to reflect the identification of any Obligation as  
14 an obligation secured by the COIT Ordinance in accordance with Section 3  
15 thereof; or

16  
17 (vii) Any other purpose which, in the judgment of the Common  
18 Council, does not materially adversely affect the interests of any obligees under  
19 any Secured Obligations.

20  
21 (c) This Ordinance, and the rights and obligations of the City and any  
22 obligees under any Secured Obligations, may be modified or amended from time to time  
23 at any time by a supplemental ordinance adopted by the Common Council with the  
24 consent of the obligees under the Secured Obligations affected by such modification or  
25 amendment, holding at least a majority in aggregate principal amount of such Secured  
26 obligations then outstanding (exclusive of Secured Obligations, if any owned by the  
27 City); provided, however, that no such modification or amendment shall, without the  
28 express consent of all of the obligees under the Secured Obligations affected by such  
29 modification or amendment, permit a privilege or priority of any of such Secured  
30 Obligations over any other of such Secured Obligations, or create a lien securing any of  
31 such Secured Obligations other than a lien ratably securing all of such Secured  
32 Obligations, nor shall any such modification or amendment reduce the percentage of  
33 consent required for amendment or modification of this Ordinance.

34  
35 Any act done pursuant to a modification or amendment so consented to shall be  
36 binding upon all the obligees under the Secured Obligations and shall not be deemed an  
37 infringement of any of the provisions of this Ordinance, and may be done and performed  
38 as fully and freely as if expressly permitted by the terms of this Ordinance, and, after  
39 such consent relating to such specified matters has been given, no obligees under the  
40 Secured Obligations shall have any right or interest to object to such action or in any  
41 manner to question the propriety thereof or to enjoin or restrain the City of any officer  
42 thereof from taking any action pursuant thereto.

43  
44 If the City shall desire to obtain any such consent to any modification or  
45 amendment of this Ordinance, it shall mail or cause to be mailed a notice, postage  
46 prepaid, to the respective obligees under the Secured Obligations affected by such  
47 modification or amendment. Such notice shall briefly set forth the nature of the proposed  
48 supplemental ordinance and shall state that a copy thereof is on file for inspection by all

1 obligees under such Secured Obligations. The City shall not, however, be subject to any  
2 liability to any obligees under any Secured Obligations by reason of its failure to mail the  
3 notice described in this Section 3, and any such failure shall not affect the validity of such  
4 supplemental ordinance when consented to and approved as provided in this Section 3.  
5

6 Whenever, at any time within one year after the date of the mailing of such notice,  
7 the City shall receive an instrument or instruments purporting to be executed by the  
8 obligees under such Secured Obligations of not less than a majority in aggregate principal  
9 amount of such Secured Obligations then outstanding (executive of Secured Obligations,  
10 if any, owned by the City), which instrument or instruments shall refer to the proposed  
11 supplemental ordinance described in such notice, and shall specifically consent to and  
12 approve the adoption thereof in substantially the form of the copy thereof referred to in  
13 such notice as on file, thereupon, but not otherwise, the Common Council may adopt  
14 such supplemental ordinance in substantially such form, without liability or responsibility  
15 to any obligees under the Secured Obligations, whether or not such obligee shall have  
16 consented thereto.  
17

18 (d) Upon the adoption of any supplemental ordinance pursuant to the  
19 provisions of this Section 3, this Ordinance shall be, and is deemed to be, modified and  
20 amended in accordance therewith, and the respective rights, duties and obligations under  
21 this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject  
22 in all respects to such modifications and amendments.  
23

24 Section 4. Severability. If any part of this Ordinance shall be adjusted to be invalid by a  
25 court of proper jurisdiction, it shall be conclusively presumed that the Common Council would  
26 have passed the remainder of this Ordinance without such invalid part.  
27

28 Section 5. Repeal of Conflicting Ordinances. All ordinances, resolutions and orders, or  
29 parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict,  
30 hereby repealed.  
31

32 Section 6. Authorization of other Actions. Each of the Mayor, any member of the  
33 Common Council and the Clerk-Treasurer, and any other officer, employee or agent of the City  
34 is hereby authorized and directed, for and on behalf of the City, to execute and deliver any  
35 contract, agreement, certificate, instrument or other document and to take any action as such  
36 person determines to be necessary or appropriate to accomplish the purposes of this Ordinance,  
37 such determination to be conclusively evidenced by such person's execution of such contract,  
38 agreement, certificate, instrument or other document or such person's taking of such action.  
39

40 Section 7. This Ordinance shall be in full force and effect from and after its adoption by  
41 the Common Council and upon compliance with the procedures required by law.  
42

43 **Ordinance D-1806-06, As Amended PASSED** by the Common Council of the City of Carmel,  
44 Indiana this \_\_\_\_ day of \_\_\_\_\_, 2006 by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2  
3  
4 \_\_\_\_\_  
5 Presiding Officer

\_\_\_\_\_ Joseph C. Griffiths

6  
7 Richard L. Sharp, President Pro Tempore

\_\_\_\_\_ Kevin Kirby

8  
9  
10 Ronald E. Carter

\_\_\_\_\_ Brian D. Mayo

11  
12  
13 Fredrick J. Glaser

\_\_\_\_\_ Mark Rattermann

14  
15 ATTEST:

16  
17 \_\_\_\_\_  
18 Diana L. Cordray, IAMC, Clerk-Treasurer

19  
20 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
21 \_\_\_\_\_ 2006, at \_\_\_\_\_.M.

22  
23  
24 \_\_\_\_\_  
25 Diana L. Cordray, IAMC, Clerk-Treasurer

26 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
27 \_\_\_\_\_ 2006 at \_\_\_\_\_.M.

28  
29  
30 \_\_\_\_\_  
31 James Brainard, Mayor

32 ATTEST:

33  
34 \_\_\_\_\_  
35 Diana L. Cordray, IAMC, Clerk-Treasurer

36  
37 **Prepared by:** David A. Arrensen  
38 Baker & Daniels LLP  
39 300 North Meridian Street, Suite 2700  
40 Indianapolis, Indiana 46204

**EXHIBIT A****2006 Bond Projects**

Revised 4/18/2006

	Project Description	2006 Bond Project Cost	Funding Anticipated From Other Sources	Total Estimated Project Cost
2006 BOND	Towne Road - Improvements north of 116th Street (4-lane)	\$ 10,000,000	\$ 2,000,000	\$ 12,000,000
	Shelbourne Road - Improvements north of 116th Street (3-lane Section)	\$ 9,000,000	\$ 300,000	\$ 9,300,000
	131st Street from Spring Mill to Towne (3-lane Section)	\$ 9,000,000	\$ -	\$ 9,000,000
	131st Street from Towne to Shelbourne (3-lane Section)	\$ 4,500,000	\$ -	\$ 4,500,000
	136th Street from Oak Ridge to Ditch (3-Lane Section)	\$ 5,000,000	\$ 1,550,000	\$ 6,550,000
	East Grande Boulevard (Guilford to Old Meridian)	\$ 1,900,000	\$ -	\$ 1,900,000
	West Grande Boulevard (RAB @ Old Meridian)	\$ 1,800,000	\$ -	\$ 1,800,000
	Pennsylvania Street - 106th to 103rd (3-lane Section)	\$ 3,000,000	\$ -	\$ 3,000,000
	Survive Alive House	\$ 2,500,000	\$ -	\$ 2,500,000
	Cool Creek North Trail	\$ 2,800,000	\$ 250,000	\$ 3,050,000
	N. Rangeline - 136th north to US 31- (3-lane Section)	\$ 3,000,000	\$ -	\$ 3,000,000
	Monon Bridge Over Carmel Drive	\$ 600,000	\$ 2,400,000	\$ 3,000,000
	East Side Salt Barn/Shed & Shop	\$ 1,800,000	\$ -	\$ 1,800,000
	River Road Alignment - Medalist Drive to Golf Course Curve (3-Lane Section, intersection improvements at Medalist)	\$ 2,500,000	\$ -	\$ 2,500,000
	Police Maintenance Building	\$ 1,000,000	\$ -	\$ 1,000,000
	Guilford Road - City Center to Main Street Enhancements (Curbing)	\$ 750,000	\$ -	\$ 750,000
	Guilford Road - 116th Street to Carmel Drive (3-Lane Section, signal improvements at Carmel Drive)	\$ 2,500,000	\$ 250,000	\$ 2,750,000
	126th Street - Shelborne Rd. to Towne Rd. (3-Lane Section)	\$ 3,300,000		\$ 3,300,000
	Clay Center Rd. & 116th Street Intersection Improvements (Including Replacement of Clay Ctr. Bridge over Will Creek)	\$ 1,150,000		\$ 1,150,000
	<b>TOTAL</b>	<b>\$ 66,100,000</b>	<b>\$ 6,750,000</b>	<b>\$ 72,850,000</b>

**ORDINANCE Z-489-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,  
INDIANA, REZONING DISTRICT CLASSIFICATION**

*Rezoning the property located southwest of the intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian/Mixed Use (OM/MU) Classification.*

WHEREAS, pursuant to Indiana Code 36-7-4, the Common Council has lawfully adopted a zoning ordinance, the terms of which are applicable to the geographic area consisting of the incorporated area of the City of Carmel, Indiana, and the unincorporated area of Clay Township, Hamilton County, Indiana, which zoning ordinance has been modified in Chapter 10 of the Carmel City Code; and

WHEREAS, pursuant to Indiana Code 36-7-5-602 the Common Council is authorized to amend the map that is part of the zoning ordinance; and

WHEREAS, the Carmel/Clay Plan Commission has favorably recommended the rezoning of the Real Estate, the legal description of which is attached hereto and incorporated herein by reference as Exhibit A (hereafter, the "Real Estate");

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. That the Official Zoning Map accompanying and made part of the Zoning Ordinance is hereby changed to designate the Real Estate from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to Old Meridian/Mixed Use (OM/MU).

Section 2. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from the and after its passage and signing by the Mayor.

Ordinance No. Z-489-06 **PASSED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.



1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2  
3  
4 \_\_\_\_\_  
5 Presiding Officer

\_\_\_\_\_ Joseph C. Griffiths

6  
7 \_\_\_\_\_  
8 Richard L. Sharp, President Pro Tempore

\_\_\_\_\_ Kevin Kirby

9  
10 \_\_\_\_\_  
11 Ronald E. Carter

\_\_\_\_\_ Brian D. Mayo

12  
13 \_\_\_\_\_  
14 Fredrick J. Glaser

\_\_\_\_\_ Mark Rattermann

15 ATTEST:

16  
17  
18 \_\_\_\_\_  
19 Diana L. Cordray, IAMC, Clerk Treasurer

20  
21  
22 Presented by me to the Mayor of the City of Carmel, Indiana the \_\_\_\_ day of  
23 \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

24  
25  
26  
27 \_\_\_\_\_  
28 Diana L. Cordray, IAMC, Clerk Treasurer

29  
30  
31 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of  
32 \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

33  
34  
35 \_\_\_\_\_  
36 James Brainard, Mayor

37 ATTEST:

38  
39  
40 \_\_\_\_\_  
41 Diana L. Cordray, IAMC, Clerk Treasurer

42  
43 This Instrument prepared by: Lawrence J. Kemper  
44 NELSON & FRANKENBERGER  
45 3105 East 98<sup>th</sup> Street, Suite 170  
46 Indianapolis, IN 46280

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

**EXHIBIT "A"**

A part of the Southeast Quarter of Section 26, Township 18 North, Range 3 East, Clay Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 89 degrees 08 minutes 21 seconds West along the North line of said Quarter Section a distance of 1036.75 feet to the Northwest corner of the real estate described in Instrument No. 1997-32968 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 18 minutes 29 seconds East along the West line of said real estate 279.88 feet to the POINT OF BEGINNING of this description; thence North 89 degrees 08 minutes 21 seconds East parallel with the aforesaid North line 816.39 feet to the centerline of Old Meridian (formerly U.S. Highway 31); thence South 35 degrees 39 minutes 16 seconds West along said centerline 165.27 feet to a point South 35 degrees 39 minutes 16 seconds West 513.50 feet from the intersection of the centerline of Old Meridian and the North line of said Quarter Section; thence South 88 degrees 50 minutes 36 seconds West 374.71 feet; thence South 35 degrees 39 minutes 16 seconds West parallel with the centerline of Old Meridian Street 586.85 feet; thence North 00 degrees 18 minutes 29 seconds West 606.44 feet to the place of beginning, containing 4.231 acres, more or less.

AND

A part of the North Half of the Southeast Quarter of Section 26, Township 18 North, Range 3 East, Clay Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 89 degrees 08 minutes 21 seconds West along the North line of said Quarter Section a distance of 879.25 feet and the POINT OF BEGINNING of this description; thence South 00 degrees 18 minutes 29 seconds East 279.88 feet the Northeast corner of real estate described in Instrument Number 1996-26849 (Parcel I) in the Office of the Recorder, Hamilton County, Indiana; thence South 89 degrees 08 minutes 21 seconds West along said North line 157.50 feet; thence North 00 degrees 18 minutes 29 seconds West 279.88 feet to a point on the North line of said Quarter Section; thence North 89 degrees 08 minutes 21 seconds East along said North line 157.50 feet to the place of beginning, containing 1.012 acres, more or less.

AND

Part of the Southeast Quarter of Section 26, Township 18 North, Range 3 East, in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 89 degrees 08 minutes 21 seconds West along the North line of said Quarter Section a distance of 675.75 feet and the POINT OF BEGINNING of this description; thence South 00 degrees 18 minutes 29 seconds East 279.88 feet to the North line of real estate described in Instrument Number 1996-26854 in the Office of the Recorder, Hamilton County, Indiana; thence South 89 degrees 08 minutes 21 seconds West along said North line 203.50 feet to the Northwest corner of said real estate; thence North 00 degrees 18 minutes 29 seconds West 279.88 feet to a point on the North line of said Quarter Section; thence North 89 degrees 08 minutes 21 seconds East along said North line 203.50 feet to the place of beginning, containing 1.307 acres, more or less.

Sponsor: Councilor Mark Rattermann

ORDINANCE NO. Z-491-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF CARMEL, INDIANA  
ESTABLISHING THE  
FORTUNE  
PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, Section 31.6.4 of the Carmel Zoning Ordinance Z-289 (the "Carmel Zoning Ordinance"), provides for the establishment of a Planned Unit Development District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.;

WHEREAS, the Carmel Plan Commission (the "Commission") has given a favorable recommendation to the ordinance set forth herein (the "Fortune Ordinance") which establishes a Planned Unit Development District (the "District").

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana (the "Council"), that (i) pursuant to IC §36-7-4-1500 *et seq.*, it adopts this Fortune Ordinance, as an amendment to the Carmel Zoning Ordinance and it shall be in full force and effect from and after its passage, (ii) all prior ordinances or parts thereof inconsistent with any provision of this Fortune Ordinance and its exhibits are inapplicable to the use and development of the Real Estate, (iii) all prior commitments pertaining to the Real Estate shall be null and void and replaced and superseded by this Fortune Ordinance, and (iv) this Fortune Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Section 1      Applicability of Ordinance:

1.1      The Official Zoning Map of the City of Carmel, a part of the Carmel Zoning Ordinance, is hereby changed to designate the land described in Exhibit "A" (the "Real Estate"), as a Planned Unit Development District to be known as Fortune.

1.2      Development in the District shall be governed entirely by (i) the provisions of this Fortune Ordinance and its exhibits, and (ii) those provisions of the Carmel Zoning Ordinance specifically referenced in this Fortune Ordinance. In the event of a conflict between this Fortune Ordinance and the Carmel Zoning Ordinance or the Sign Ordinance, the provisions of this Fortune Ordinance shall apply.

1.3      Any capitalized term not defined herein shall have the meaning as set forth in the Carmel Zoning Ordinance in effect on the date of the enactment of this Fortune Ordinance.

Section 2      Planning Principles: This Fortune Ordinance is designed and planned to evoke a sense of community typically found in older neighborhoods by producing a pedestrian-friendly



environment, a mix of residential and recreational land uses, and a respect for the natural environment.

2.1 This Fortune Ordinance is a comprehensive planning and design development tool intended to insure that the community infrastructure is an integrated system, and will be a guide for the work of land developers, design consultants, builders, and the City in such a way that development, though incremental, does not become fragmented.

2.2 **Neighborhood Parks:** The neighborhood has identifiable nodes that can be small landscape parks, squares, or open space. Community open spaces close to most dwellings create meeting places for residents and children that provide a setting for social interaction.

2.3 **Pedestrian Connectivity:** The neighborhood is designed for walkable and pedestrian friendly connections within the community and to adjacent communities. All neighborhood streets have sidewalks that provide convenient routes to parks. Sidewalks and park trails connect to The Villages of West Clay commercial center and its residential neighborhoods through parks or along neighborhood streets. Sidewalk connections to 131<sup>st</sup> street and 126<sup>th</sup> street provide for walkable routes to and along these major roadways.

2.4 **Streets:** The design of the streets is key to a pedestrian friendly neighborhood design. Streets are shaded by street trees to create an environment that favors the pedestrian and encourages bicycling. Front porches on the homes are permitted to provide an open living room to encourage neighborly conversations and add interest to the street.

2.5 **Parking:** Where possible, garages and driveways are located off of an Alley at the rear of the lot to limit garages on the front of the homes and limit the number of drives from the streets. Guest parking is accommodated in all driveways to both town homes and single family homes.

2.6 **Neighborhood Association:** A neighborhood association will be established by the developer to provide quality assurance of the community's amenities and homes as the community matures.

Section 3 Permitted Primary Uses and Intensities: Permitted uses are defined below:

3.1 Sub Area A Permitted Primary Uses (Residential Uses permitted as listed below)

- A. Attached Town Homes
- B. Accessory Dwellings

3.2 Sub Area B Permitted Primary Uses (Residential Uses permitted as listed below)

- A. Detached Single Family Dwellings
- B. Accessory Dwellings

3.3 Residential Densities Permitted

A. Maximum Overall Gross Residential Density: 2.99 Dwelling Units / Acre

**Subarea A:** +/-7.81 acres total

- Maximum number of Town Home Units Permitted: 38 Homes

**Subarea B:** +/-35.76 acres total

- Maximum number of Single Family Homes Permitted: 92 Homes

PERMITTED PRIMARY USES & INTENSITIES		
	Existing Zoning	S-1 Residential District (Carmel/Clay Zoning)
	Proposed Zoning	PUD
	Gross Site Area:	+/-43.6 AC
SUB AREA A	# of Units	38 DU
	Area	+/-7.81 AC
SUB AREA B	# of Units	92 DU
	Area	+/-35.76 AC
TOTAL AREA	# of Units	130 DU
	Density	2.99 DU/A

Section 4      Street Design and Open Space.

4.1 Street Design

A. Public ROW shall be designed in coordination with the City of Carmel Public Works.

B. All internal neighborhood streets shall accommodate informal on-street parking. The informal parking that occurs (in these non-striped areas) is considered a traffic calming device and will help promote safe streets for pedestrians.

C. All streets shall have sidewalks to provide a pedestrian friendly environment with a minimum width of 5' within the public Right-of-Way.

D. All streets shall meet the design standards in Exhibit B – Neighborhood Street Sections.

4.2 Community Open Space

A. Community Open Space shall be provided at a minimum of 15% of the gross development area.



1  
2 B. Community Park: A community park shall be provided and will include  
3 two (2) of the following: (to be determined by the developer)

- 4  
5 1. Tennis court  
6  
7 2. Playground area  
8  
9 3. Volleyball court  
10  
11 4. Basketball court  
12

13 C. The existing tree canopy of the community is critical to the character and  
14 design of the master plan.

15  
16 D. Existing trees to be preserved should be protected to the drip line of the  
17 tree. Tree protection shall meet or exceed the requirements of the City of  
18 Carmel.

19  
20 E. Canopy trees shall be planted, as street trees, with a minimum 2.5" Caliper  
21 for each 50 feet of park street frontage. Trees to be planted within the  
22 right-of-way.  
23

24 F. In addition to street trees, community parks shall have four canopy trees  
25 with a minimum 2.5" Caliper, or two understory trees with minimum 1.5"  
26 Calipers, for every acre of open space.  
27

28 G. Landscape beds should be mulched to insure plant survivability and  
29 reduce water requirements.  
30

31 4.3 Community Buffers and Landscape  
32

33 A. Attached hereto and incorporated herein by reference as Exhibit C and  
34 Exhibit D are the applicable Landscape Plan and Tree Preservation Plan,  
35 respectively.  
36

37 B. Buffers provided shall meet or exceed the following requirements:  
38

39 1. Sub Area A.  
40

- 41 a. 25 foot buffer yard from the edge of the ROW for 131<sup>st</sup> street  
42 (per the Clay Township Thoroughfare Plan).  
43 b. Buffer between proposed townhomes and Villages of West  
44 Clay Commercial: 10 foot buffer yard along the eastern  
45 property line (allowed to overlap 2 feet into the alley  
46 easement). This buffer, behind the proposed townhomes, shall

be planted with a continuous row of evergreen trees, located 20 feet on center, with a minimum height of 8 feet at the time of planting. The buffer shall not be required if buffer requirements are currently in place for The Villages of West Clay along this edge.

## 2. Sub Area B

- a. 10 foot buffer yard along the eastern property line (allowed to overlap 2 feet into the alley easement).
- b. 10 foot buffer yard along the western property line.
- c. 20 foot buffer yard located north of the 126<sup>th</sup> Street ROW (per the Clay Township Thoroughfare Plan). Overlap into the drainage and sanitary easements to the north are permitted.

- B. No landscape buffer is required between different home types or uses within the Real Estate or between similar and/or like uses of adjacent properties.

## Section 5

### Single Family Standards – Sub Area B:

Single Family Residential Homes are detached homes on fee simple lots.

#### 5.1 Area Requirements/Minimum Lot Size

- A. Minimum Lot Size for Lots accessed from a public street: 6000 Sq. Ft.
- B. Minimum Lot Size for Lots accessed from an Alley: 5500 Sq. Ft.
- C. Detached homes lot lines are subject to change from conceptual drawing due to various product type.

#### 5.2 Lot Standards

- A. Front Yard Setback: 20' Minimum
- B. Rear Yard Setback to Primary and Accessory Structures: 20' minimum.
- C. Garage Setback:
  1. Garages access from the street: 20' min.
  2. For Alley Accessed Lots with parking permitted in driveway: Minimum 20 feet from rear property line.

- 1 3. For Alley Accessed Lots without parking permitted in driveway:  
2 Minimum 20'.  
3  
4 D. Side Yard Setback: 5' Minimum  
5  
6 E. Porches and Stoops may extend into the front yard setback by up to seven  
7 (7) feet from the property line, but shall not encroach on any utility  
8 easement.  
9  
10 F. Minimum Building Square Footage:  
11  
12 1. Lots between 50 feet and 61 feet in width: 1800 SF minimum  
13  
14 2. Lots greater than 61 feet in width: 1950 SF minimum  
15  
16 G. Maximum Lot coverage: 75%  
17  
18 H. Building Height: 1 to 3 stories, not to exceed 40 feet in height.  
19  
20 5.3 Architectural Standards  
21  
22 A. Single Family Residential Homes planned for this Fortune Ordinance shall  
23 be similar in character to (i) the photographs and renderings attached  
24 hereto and incorporated herein by reference as Exhibit E, for 61' lots, and  
25 (ii) the renderings attached hereto and incorporated herein by reference as  
26 Exhibit F, for 51' lots.  
27  
28 B. Homes should be simple, with basic elements of construction (columns,  
29 porches, doors, rafter tails, windows) serving as ornament. They should  
30 be built of materials to stand up over time, to age gracefully, and to  
31 withstand the elements: sun, rain, wind, and gravity.  
32  
33 C. Identical house elevations and façade colors may not be located directly  
34 next to or across from each other. Alternate elevations may be required to  
35 minimize monotones or repeated streetscapes.  
36  
37 D. Building Walls:  
38  
39 1. Simple configurations and solid craftsmanship are favored over  
40 complexity or ostentation.  
41  
42 2. Acceptable Exterior Finishes: Brick, Wood Siding (or  
43 Cementitious Siding, Hardi-Board or equal), Stone, or Cedar.  
44  
45 3. All exterior walls will be given equal architectural treatment and  
46 design.



4. Building walls in the same plane may be built of no more than three materials and may change material along a horizontal line, with the heavier material below the lighter material.
5. Strong encouragement is given to designs reflecting masonry first floor with acceptable siding second floors.
6. Wall openings shall be of traditional and classical proportions and shall be square or vertical in proportion. Openings may be ganged horizontally and/or vertically if separated by a mullion or structural support member that is at least 4" wide.
7. There shall be at least one (1) window on each floor of each side elevation, excluding gables.

E. Roofs:

1. Acceptable materials: Architectural grade, dimensional fiberglass/asphalt shingles; metal heavy gauge or galvanized standing seam; tile; slate, artificial slate, and cedar shake.
2. The minimum roof pitch for all residential homes shall be 5:12 unless otherwise stated.
3. Roofs over breezeways, stoops, porches, etc. will be considered at a lower pitch as long as they are not 20% of the total roof area and have a minimum pitch of 4:12.
4. Gutterboard overhangs shall be a minimum of 12 inches.
5. Gable fly rafter overhangs shall be a minimum of 6 inches.
6. No exposed fireplace chimney pipes are allowed.
7. There shall be a minimum of two (2) windows per each occupiable floor on each elevation, excluding gables, unless the elevation is one-and-a-half stories, in which case it will be a requirement to put windows on gables. Windows on garages shall also count toward this requirement. For example: If a residence has two windows on the side elevation of a garage, those windows shall count toward the minimum number of windows required on the side elevation

F. Window and Doors:

1. Windows and doors should be square or vertical in proportion. Transoms may be oriented horizontally with panes that match other opening configurations.
2. All windows shall have window grills.
3. Exterior shutters are permitted and encouraged.
4. All entry doors shall be of designer grade.
5. Masonry row lock is required under all windows on the front elevation where a masonry material is the primary façade material.
6. All windows and doors shall be framed.

G. Porches:

1. Porches and stoops are permitted.
2. Columns shall be stylistically consistent with the architecture of the primary structure.
3. Decks shall be located only in rear yards.
4. Porches must be trimmed appropriately.
5. Porch posts, columns, and/or supports will be decorative in design and will serve as structural support as necessary for the overall design of the residence.
6. Porches should be a minimum depth of six (6) feet

H. Garages, Parking, Driveways, and Sidewalks:

1. Parking shall be provided at two parking spaces per dwelling.
2. Each single family detached residence shall have a two car garage to accommodate required parking.
3. Guest parking in drive is required on alley accessed homes.
4. The minimum driveway length shall be 20 feet to accommodate guest parking for all residential lots. For alley-loaded residences, the 20' shall be measured from the edge of the alley easement, and for residences with front-loaded garages, the 20' shall be measured from the right-of-way.

5. All neighborhood streets shall accommodate informal on-street parking. The informal parking that occurs (in these non-striped areas) is considered a traffic calming device and will help promote safe streets for pedestrians.
6. Minimum garage bay width shall be 20'.
7. All garage doors shall Designer Grade.
8. Driveway flares shall not cross the side yard property line and will not interfere with the flare from the adjacent lot's driveway. Lots located on a cul-de-sac are excluded, and crossing driveway flares are permitted.
9. A 3 foot wide minimum sidewalk will be provided at the main entry door of each residence.

I. Pools:

1. Only in-ground pools are permitted. Above ground hot tubs and spas are permitted.
2. Pool decks may encroach into the side and rear yard setbacks no closer than 5 feet to the property line.
3. Pools shall be screened or fences as required to meet all safety requirements.

5.4 Landscape Standards

- A. Each lot shall plant a canopy tree, as a street tree, with a minimum 2.5" Caliper for each 50 feet of street frontage. Street trees are to be planted within the right-of-way between the sidewalk and back-of-curb. Tree species to be coordinated by the developer. Street trees shall be selected from the City's approved street tree species list.
- B. Each lot shall plant, in addition to a street tree, either one canopy tree with a minimum 2.5" Caliper, or two understory trees with minimum 1.5" Calipers. Tree species should be appropriate to the climate of the City of Carmel, and the location to should be appropriate to the design of the site and location of the home and site appurtenances.
- C. All residential homes shall be provide a minimum of ten (10) shrubs, with a minimum height of 18 inches at the time of planting.



- 1 D. Buffers and general open space landscape provided shall meet or exceed  
2 the requirements noted on Section 4.3.  
3  
4 E. No landscape buffer is required between different home types or uses  
5 within the Real Estate.  
6  
7 F. Landscape beds should be mulched to insure plant survivability and  
8 reduce water requirements.  
9  
10 G. Existing trees to be preserved should be protected to the drip line of the  
11 tree and should incorporate City of Carmel standards for protection.  
12  
13 H. Plant composition should employ a compatible variety of plant types in  
14 order to build a pleasant transition from property to property.  
15  
16 I. All landscape and grassed areas shall be within one hundred (100) feet of  
17 a hose bib.  
18

19 5.5 Lighting

- 20  
21 A. Exterior lighting may not only serve as a strong design element but can  
22 also provide direction and safety.  
23  
24 B. All landscape lighting shall be of a soft and diffused character used to  
25 illuminate landscape planting and pathways instead of building surfaces.  
26  
27 C. Lighting in general should not be conspicuous when light from light  
28 fixture is directly visible. The lamping shall be low wattage and from  
29 Dusk to Dawn to prevent sharp contrasts from surrounding areas at night.  
30  
31 D. Security lighting and flood lighting should be directed inward toward the  
32 lot and every effort should be made to prevent light pollution to adjacent  
33 properties. Security and flood lighting must utilize 90-degree cut-off  
34 fixtures to reduce light pollution.  
35

36 Section 6. Town Home Residential Standards (Permitted within Sub Area A)

37 Town Homes are typically attached homes that have one or more common walls.  
38 Town Homes may be sold fee simple or with condominium ownership.  
39

40 6.1 Area Requirements/Minimum Lot Size

- 41  
42 A. Minimum Lot Size for Town Home: 2,640 SF  
43

44 6.2 Lot Standards

- 45  
46 A. Front Yard Setback: 15' Minimum.

- B. Rear Yard Setback to Primary and Accessory Structures: 20'
- C. Garage Setback: 20' minimum from the alley pavement.
- D. Minimum Building Separation: 5' Minimum
- E. Porches and Stoops: May extend into the front and street corner side yard setback up to seven (7) feet from the property line.
- F. Maximum: Ten (10) Town Homes units per Town Home Building;  
Minimum: Three (3) town home units per building
- G. Building Height: 1 to 3 stories (42 feet maximum)
- H. Minimum Town Home Square Footage: 1600 SF minimum

### 6.3 Architectural Standards

- A. Town Homes Residential Homes planned for this Fortune Ordinance shall be similar in character to the photographs attached hereto and incorporated herein by reference as Exhibit G.
- B. Town Homes should be simple, with basic elements of construction (columns, porches, doors, rafter tails, windows) serving as ornament. They should be built of materials to stand up over time, to age gracefully, and to withstand the elements: sun, rain, wind, and gravity.
- C. Front Elevations of town homes should be clearly articulated through architectural details, changes in building materials, off sets in front building facades, and/or vertical design elements to accentuate the individual living units.
- D. Building Walls:
  - 1. Simple configurations and solid craftsmanship are favored over complexity or ostentation.
  - 2. Acceptable Exterior Finishes: Brick, Wood Siding (or Cementitious Siding, Hardi-Board or equal), Stone, or Cedar.
  - 3. All exterior walls will be given equal architectural treatment and design.

4. Building walls in the same plane may be built of no more than four materials and may change material along a horizontal line, with the heavier material below the lighter material.
5. Strong encouragement is given to designs reflecting masonry first floor with acceptable siding second floors.
6. Wall openings shall be of traditional and classical proportions and shall be square or vertical in proportion. Openings may be ganged horizontally and/or vertically if separated by a mullion or structural support member that is at least 4" wide.
7. At least 50% masonry is required on all front elevations of town homes, excluding doors, windows, cantilevered areas, bay windows, and areas which in the sole determination of the Builder cannot support brick, such as the living area above the garage or the area above a garage door with a shed roof

E. Roofs:

1. Acceptable materials: Architectural grade, dimensional fiberglass/asphalt shingles; metal heavy gauge or galvanized standing seam; Tile; Slate and artificial slate
2. The minimum roof pitch for all residential homes shall be 5:12 unless otherwise stated.
3. Roofs over breezeways, stoops, porches, etc. will be considered at a lower pitch as long as they are not 20% of the total roof area and have a minimum pitch of 3:12.
4. Gutter board overhangs shall be a minimum of 12 inches.
5. Gable fly rafter overhangs shall be a minimum of 6 inches.
6. No exposed fireplace chimney pipes are allowed.

F. Window and Doors:

1. Windows and doors should be square or vertical in proportion. Transoms may be oriented horizontally with panes that match other opening configurations.
2. All windows shall have window grills.
3. Exterior shutters are permitted and encouraged.



4. All entry doors shall be of designer grade.
5. Masonry row lock is required under all windows on the front elevation where a masonry material is the primary façade material.
6. All windows and doors shall be framed.

G. Porches:

1. Porches and stoops are permitted.
2. Columns shall be stylistically consistent with the architecture of the primary structure.
3. Decks shall be located only in rear yards.

H. Garages, Parking, Driveways, and Sidewalks:

1. Parking shall be provided at two parking spaces per dwelling.
2. Each single family detached residence shall have a two car garage to accommodate required parking.
3. Guest parking in drive is required on alley accessed homes.
4. The minimum driveway length shall be 20 feet, measured from the alley easement, to accommodate guest parking for all residential lots.
5. All neighborhood streets shall accommodate informal on-street parking. The informal parking that occurs (in these non-striped areas) is considered a traffic calming device and will help promote safe streets for pedestrians.
6. Minimum garage bay width shall be 20'.
7. All garage doors shall Designer Grade.
8. Driveway flares shall not cross the side yard property line and will not interfere with the flare from the adjacent lot's driveway. Lots located on a cul-de-sac are excluded, and crossing driveway flares are permitted.
9. A 3 foot wide minimum sidewalk will be provided from the main entry door of each residence to the public sidewalk.

6.4 Landscape Standards

- 1
- 2 A. Each building shall have a canopy tree, as a street tree, with a minimum 3”
- 3 Caliper for each 50 feet of street frontage. Street trees are to be planted
- 4 within the right-of-way. Tree species to be coordinated by the Developer.
- 5 Street trees shall be selected from the City’s approved street tree species
- 6 list.
- 7
- 8 B. Each building shall have, in addition to a street tree, either one canopy tree
- 9 with a minimum 2.5” Caliper or two understory trees with minimum 1.5”
- 10 Calipers for each 40 feet of total building width. Tree species should be
- 11 appropriate to the climate of the City, and the location should be
- 12 appropriate to the design of the site and location of the home and site
- 13 appurtenances.
- 14
- 15 C. Each town home building shall be provided with ten (10) shrubs per town
- 16 home unit, with a minimum height of 18 inches at the time of installation.
- 17
- 18 D. Buffers and general open space landscape provided shall meet or exceed
- 19 the requirements noted on Section 4.3.
- 20
- 21 E. No landscape buffer is required between different home types or uses
- 22 within the Real Estate.
- 23
- 24 F. Landscape beds should be mulched to insure plant survivability and
- 25 reduce water requirements.
- 26
- 27 G. Existing trees to be preserved should be protected to the drip line of the
- 28 tree and should incorporate City of Carmel standards for protection.
- 29
- 30 H. Plant composition should employ a compatible variety of plant types in
- 31 order to build a pleasant transition from property to property.
- 32
- 33 I. All landscape and grassed areas to be within one hundred (100) feet of a
- 34 hose bib.
- 35

36 6.5 Lighting

37

- 38 A. Exterior lighting may not only serve as a strong design element but can
- 39 also provide direction and safety.
- 40
- 41 B. All landscape lighting shall be of a soft and diffused character used to
- 42 illuminate landscape planting and pathways instead of building surfaces.
- 43
- 44 C. Lighting in general should not be conspicuous when light from light
- 45 fixture is directly visible. The lighting shall be low wattage and from
- 46 Dusk to Dawn to prevent sharp contrasts from surrounding areas at night.



- 1  
2 D. Security lighting and flood lighting should be directed inward toward the  
3 lot and every effort should be made to prevent light pollution to adjacent  
4 properties. Security and flood lighting must utilize 90-degree cut-off  
5 fixtures to reduce light pollution.  
6  
7 F. Each Town Home shall have a lit entry. If covered porch is provided, then  
8 an overhead lamp should be provided from the ceiling of the porch; if no  
9 covered porch is provided, then fixtures should be mounted on either side  
10 of the door.  
11  
12 G. Alley ways shall be lighted by lamps mounted on either side of the garage  
13 doors. At the Developer's discretion the lights may be timer controlled or  
14 motion sensor controlled.  
15

16 Section 7. Platting and Subsequent Approvals: The platting of Sub Area B shall be required.  
17 Platting of Sub Area A shall be permitted, but shall not be required; provided, however, that so  
18 long as the proposed plat complies with the area requirements set forth in Section 6 above for  
19 residential development, the creation, by reason of platting, of a new property line within the  
20 Real Estate shall not impose or establish new development standards beyond those specified  
21 above in Section 6 for the entirety of the Real Estate.  
22

23 7.1 Conceptual Plan. What is attached hereto and incorporated herein by reference as  
24 Exhibit H shall serve as the conceptual plan (the "Conceptual Plan") of the Real  
25 Estate. The Conceptual Plan allocates the real estate into sub-area A ("Sub-Area  
26 A") and sub-area B ("Sub-Area B").  
27

28 7.2 Plat Approval of Sub-Area B. The Conceptual Plan constitutes the approved  
29 primary plat of Sub-Area B and, as such, the Developer shall not be required to  
30 return to the Plan Commission for primary plat approval of the Sub-Area B. The  
31 Director shall have sole and exclusive authority to approve, with or without  
32 conditions, or to disapprove any secondary plat of Sub-Area B; provided,  
33 however, that the Director shall not unreasonably withhold or delay the Director's  
34 approval of the secondary plat that is in substantial conformance with Sub-Area B  
35 of the Conceptual Plan.  
36

37 7.3 DP/ADLS Approval of Sub-Area A. Attached hereto and incorporated herein by  
38 reference as Exhibit G are the elevations illustrating the intended architectural  
39 style of the Townhomes planned for the Real Estate shall be similar in character  
40 to such elevations. The Developer shall be required to return to the Plan  
41 Commission for DP/ADLS approval with respect to Sub-Area A and the  
42 Townhomes, but not for Sub-Area B or the detached single-family residences.  
43

44 Section 8. Definitions and Rules of Construction:  
45

1       8.1   General Rules of Construction. The following general rules of construction and  
2       definitions shall apply to the regulations of this Ordinance:

- 3  
4       A.     The singular number includes the plural and the plural the singular, unless  
5       the context clearly indicates the contrary.  
6  
7       B.     Words used in the present tense include the past and future tenses, and the  
8       future the present.  
9  
10      C.     The word “shall” is a mandatory requirement. The word “may” is a  
11      permissive requirement. *The word “should” is a preferred requirement.*  
12

13      8.2   Definitions. In addition to defined words and terms found in other sections of this  
14      Fortune Ordinance, the following definitions shall also apply throughout this  
15      Fortune Ordinance:  
16

- 17      A.     Accessory Structure: A structure subordinate to a building or use located  
18      on the Real Estate which is not used for permanent human occupancy.  
19  
20      B.     Accessory Use: A use subordinate to the main use, located on the Real  
21      Estate or in the same building as the main use, and incidental to the main  
22      use.  
23  
24      C.     ADLS: Architecture, design, exterior lighting, landscaping, and signage.  
25  
26      D.     Alley: A private street or land providing access to garages through garage  
27      doors located in the rear of detached single family homes and/or  
28      Townhomes.  
29  
30      E.     Building: Any structure which is greater than three (3) feet in height,  
31      measured from ground level.  
32  
33      F.     Building Height: The vertical distance from the ground level at the main  
34      entrance to the highest ridge point of the roof structure.  
35  
36      G.     BZA: The City’s Board of Zoning Appeals.  
37  
38      H.     Caliper: The diameter of the tree trunk measured 6” from the top of the  
39      root ball of the tree.  
40  
41      I.     City: The City of Carmel, Indiana.  
42  
43      J.     Commission: The City’s Plan Commission.  
44  
45      K.     Council: The City’s Common Council.  
46



- 1 L. County: Hamilton County, Indiana.
- 2
- 3 M. Declaration of Covenants: A Declaration of Covenants, Conditions and
- 4 Restrictions for the Real Estate which shall be recorded in the office of the
- 5 Recorder of Hamilton County, Indiana, and which may, from time to time,
- 6 be amended.
- 7
- 8 N. Development Requirements. Development standards and any requirements
- 9 specified in this Fortune Ordinance which must be satisfied in connection
- 10 with the approval of a Final Development Plan.
- 11
- 12 O. Developer. Indiana Land Development Corporation and/or and its
- 13 successors and assigns.
- 14
- 15 P. Director: Director, or Administrator, of the Department of Community
- 16 Services for the City of Carmel, Indiana. "Director" and "Administrator"
- 17 shall include his/her authorized representatives.
- 18
- 19 Q. Homeowners Association. A nonprofit corporation established for the
- 20 promotion of the health, safety and welfare of the residents of the
- 21 community, and to manage, maintain, and repair the common areas within
- 22 the Real Estate and any improvements located thereon.
- 23
- 24 R. Open Space: Define Open Space to include all pond and common areas
- 25 and block areas.
- 26
- 27 S. Parcel Coverage: The total ground area, within the Real Estate, covered
- 28 by buildings and accessory structures which are greater than eighteen (18)
- 29 inches above grade level, excluding fences and walls not attached in any
- 30 way to a roof, divided by the total horizontal area within the Real Estate
- 31 boundaries.
- 32
- 33 T. Right-of-Way: An area of land permanently dedicated to provide light, air
- 34 and access.
- 35
- 36 U. Set Back: The least measured distance between a building or structure,
- 37 excluding, however, porches, patios, and the perimeter boundary of the
- 38 Real Estate. For purposes of determining Set Back, the perimeter
- 39 boundary of the Real Estate (i) shall always mean and refer to the outside
- 40 perimeter boundary line of the Real Estate and (ii) shall not be changed or
- 41 reduced by reason of the platting or subdivision of the Real Estate into
- 42 smaller parcels.
- 43
- 44 V. Sign: Any type of sign as further defined and regulated by this Ordinance
- 45 and the Sign Ordinance for Carmel-Clay Township, Ordinance Z-196, as
- 46 amended.

W. Townhome: A single family residence attached to one or more other single family residence(s), each having more than one (1) story.

X. Townhome Building: A structure containing Townhomes.

Y. Trim: Soffits, architraves, wood reveals, and casement around doors and windows.

Section 10. Violations. All violations of this Fortune Ordinance shall be subject to Section 34.0 of the Carmel Zoning Ordinance.

**PASSED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**COMMON COUNCIL FOR THE CITY OF CARMEL**

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Frederick A. Glaser

\_\_\_\_\_  
Mark Ratterman

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk Treasurer

1  
2  
3 Presented by me to the Mayor of the City of Carmel, Indiana the \_\_\_\_ day of  
4 \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

5  
6  
7 \_\_\_\_\_  
8 Diana L. Cordray, IAMC, Clerk Treasurer  
9

10 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
11 \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

12  
13  
14 \_\_\_\_\_  
15 James Brainard, Mayor  
16

17 ATTEST:

18  
19  
20 \_\_\_\_\_  
21 Diana L. Cordray, IAMC, Clerk Treasurer  
22

23  
24  
25 This Instrument prepared by: Charles D. Frankenberger  
26 NELSON & FRANKENBERGER  
27 3021 East 98<sup>th</sup> Street, Suite 220  
28 Indianapolis, IN 46280  
29

30 And By:  
31 Greg Gamble  
32 Land Design  
33 135 Second Avenue North, Suite 105  
34 Franklin, Tennessee 37064  
35  
36  
37  
38



## EXHIBIT A

Part of the Southeast Quarter of Section 29, Township 18 North, Range 3 East in Clay Township, Hamilton County, Indiana, described as follows:

Beginning on the South line of the Southeast Quarter of Section 29, township 18 North, Range 3 East 1351.40 feet South 89 degrees 03 minutes 05 Seconds West (assumed bearings) from the Southeast corner of said Southeast Quarter; thence North 00 degrees 56 minutes 55 seconds West 8.00 feet; thence North 52 degrees 42 minutes 19 seconds East 14.45 feet; thence North 23 degrees 04 minutes 39 seconds East 27.27 feet; thence North 00 degrees 1453.10 feet; thence South 89 degrees 25 minutes 00 seconds West parallel with the North line of said Southeast 107.69 feet; thence North 00 degrees 11 minutes 13 seconds East 1138.58 feet to a point on the North line of said Southeast Quarter which is 1443.58 feet South 89 degrees 25 minutes 00 seconds West of the Northeast corner of said Southeast Quarter; thence South 89 degrees 25 minutes 00 seconds West on said North line 393.42 feet; thence South 00 degrees 07 minutes 05 seconds West 1193.76 feet; thence South 88 degrees 41 minutes 35 seconds West 153.46 feet; thence South 00 degrees 34 minutes 29 seconds East 1441.57 feet to the South line of the Southeast Quarter; thence North 89 degrees 03 minutes 05 seconds East on said South line 627.20 feet to the place of beginning. Containing 32.447 acres more or less.

Also, the following described real estate:

Part of the Southeast Quarter of Section 29, Township 18 North, Range 3 East in Clay Township, Hamilton County, Indiana, described as follows:

Beginning on the North line of the Southeast Quarter of Section 29, Township 18 North, Range 3 East at a point 409.54 feet North 89 degrees 25 minutes 00 Seconds East (assumed bearing) from the Northwest corner of said Southeast Quarter; thence North 89 degrees 25 minutes 00 seconds East on said North line 204.77 feet; Thence South 00 degrees 12 minutes 32 seconds East parallel with the West line of said Southeast Quarter 1196.20 feet to a point on a line which bears North 88 degrees 41 minutes 35 seconds East from a point on the West line of said Southeast Quarter that is 1203.96 feet South 00 degrees 12 minutes 32 seconds East of the Northwest Corner of said Southeast Quarter; thence South 88 degrees 41 minutes 35 seconds East of said point on the West line of said Southeast Quarter; thence North 00 degrees 12 minutes 32 seconds West parallel with said West line 1198.71 feet to the Place of Beginning.

Part of the Southeast Quarter of Section 29, Township 18 North, Range 3 East in Clay Township, Hamilton County, Indiana, described as follows:

Beginning on the North line of the Southeast Quarter of Section 29, Township 18 North, Range 3 East at a point 614.31 feet North 89 degrees 25 minutes 00 Seconds East (assumed bearings) from the Northwest corner of said Southeast Quarter; thence North 89 degrees 25 minutes 00 seconds East on said North line 204.76 feet to a point

1837.00 feet South 89 degrees 25 minutes 00 seconds West of the Northeast corner of said Southeast Quarter; thence South 00 degrees 07 minutes 05 seconds West 1193.76 feet to a point on a line which bears North 88 degrees 41 minutes 35 seconds East from a point on the West line of said Southeast Quarter that is 1203.96 feet South 00 degrees 12 minutes 32 seconds East of the Northwest Corner of said Southeast Quarter; thence South 88 degrees 41 minutes 35 seconds East of said point on the West line of said Southeast Quarter; thence North 00 degrees 12 minutes 32 seconds West parallel with said West line 1196.20 feet to the Place of Beginning.

**ORDINANCE Z-492-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF CARMEL, INDIANA  
ESTABLISHING THE  
VILLAGE GREEN  
PLANNED UNIT DEVELOPMENT DISTRICT**

WHEREAS, Section 31.6.4 of the Carmel/Clay Zoning Ordinance Z-289 (the “Carmel/Clay Zoning Ordinance”), provides for the establishment of a Planned Unit Development District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.;

WHEREAS, the Carmel/Clay Plan Commission (the “Commission”) has given a positive recommendation to the ordinance set forth herein (the “Village Green”) which establishes the Village Green Unit Development District (the “District”).

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana (the “Council”), that (i) pursuant to IC §36-7-4-1500 et seq., it adopts this Village Green Ordinance, as an amendment to the Carmel/Clay Zoning Ordinance and it shall be in full force and effect from and after its passage, (ii) all prior commitments shall be null and void and replaced and superseded by this Village Green Ordinance, and (iii) this Village Green Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

**Section 1      Applicability of Ordinance**

Section 1.1      The Official Zoning Map of the City of Carmel and Clay Township, a part of the Carmel/Clay Zoning Ordinance, is hereby changed to designate the land described in Exhibit “A” (the “Real Estate”), as a Planned Unit Development District to be known as the Village Green.

Section 1.2      Development in the District shall be governed entirely by (i) the provisions of this Village Green Ordinance and its exhibits, and (ii) those provisions of the Carmel/Clay Zoning Ordinance specifically referenced in this Village Green Ordinance. In the event of a conflict between this Village Green Ordinance and the Carmel/Clay Zoning Ordinance or the Sign Ordinance, the provisions of this Village Green Ordinance shall apply.

Section 1.3      Any capitalized term not defined herein shall have the meaning as set forth in the Carmel/Clay Zoning Ordinance in effect on the date of the enactment of this Village Green Ordinance.

**Section 2      Permitted Uses** . Permitted uses are townhomes, condominiums and/or multi-family dwelling units.

**Section 3      Accessory Buildings and Uses**. All Accessory Structures and Accessory Uses shall be permitted except that any detached accessory building shown in any development plan shall have



on all sides the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated.

**Section 4**      **Communication Equipment.** Cell towers shall not be permitted. Home satellite dishes shall be permitted.

**Section 5**      **Platting.** The platting of the Real Estate into smaller tracts shall be permitted, so long as the proposed plat complies with the area requirements set forth below in Section 6, and the creation of a new property line within the Real Estate shall not impose or establish new development standards beyond those specified below in Section 6 for the entirety of the Real Estate. However, the development of any parcel shall conform to the requirements of Section 13 below, and all other applicable requirements contained in this Village Green Ordinance.

**Section 6**      **Height and Area Requirements**

**Section 6.1**      **Maximum Building Height:** The maximum Building Height is forty-five (45) feet.

**Section 6.2**      **Minimum Building Set Back:** The minimum Set Back from the perimeter boundary line of the Real Estate contiguous with 136th Street shall be fifteen (15) feet, and along the north property line of the Real Estate the minimum Set Back shall be ten (10) feet, along the west property line of the Real Estate the minimum Set Back shall be ten (10) feet, and along the east property line of the Real Estate the minimum Set Back shall be ten (10) feet.

**Section 6.3**      **Minimum Building Separation.** The minimum building distance between Buildings, measured from the exterior face of the foundation, shall be ten (10) feet.

**Section 6.4**      **Density.** There shall be a maximum of forty eight (48) units on approximately 9 acres.

**Section 6.5**      **Square Footage of Townhome Units.** The minimum square footage for an individual Townhome unit shall be one thousand eight hundred (1,800) square feet, exclusive of any garages.

**Section 7.**      **Building Types**

**Section 7.1**      **Architectural Design Requirements:**

- A.      **Roof design:** All roofs, except for open porch roofs, shall have a minimum slope of 12 horizontal to 7 vertical.
- B.      **Building rendering and elevations:** Attached hereto and incorporated herein by reference as Exhibit "B" are building renderings of the Buildings to be constructed upon the Real Estate. All Buildings to be constructed upon the Real Estate shall include Masonry on seventy percent (70%) of the front building elevation as the primary building material, excluding but not limited to doors, soffits, trim, windows, gables and roofs. Secondary building materials for the front elevations and the

primary building material for all side and rear elevations for all Buildings to be constructed upon the Real Estate shall include, but not be limited to, Hardi-Plank and/or Hardi-Board or the equivalent thereof, excluding but not limited to doors, soffits, trim, windows, gables and roofs.

**Section 8**      **Landscaping**. Attached hereto and incorporated herein by reference as Exhibit “C” is the landscape plan (hereafter “Landscape Plan”).

**Section 8.1**    **Planting Standards**. Landscaping shall be integrated with other functional and ornamental site design elements, where appropriate, such as hardscape materials, paths, sidewalks, or any water features. Deciduous trees planted to satisfy the landscaping requirements of this Village Green Ordinance shall have at least a two and one-half inch (2-1/2”) Caliper and seven foot (7’) height at the time of planting, unless otherwise specified herein or otherwise indicated on the Landscape Plan. Evergreen trees shall be a minimum of six feet (6’) in height at the time of planting. Shrubs shall be two (2) feet in height at the time of planting. All trees, shrubs and ground covers shall be planted according to accepted horticultural standards. Landscaping materials shall be appropriate to local growing and climatic conditions. Plant suitability, maintenance and compatibility with site construction features are critical factors that should be considered. Plantings should be designed with repetition, structured patterns, and complementary textures and colors, and should reinforce the overall character of the area.

**Section 8.2**    **Maintenance**. It shall be the responsibility of the owners and their agents to insure proper maintenance of project landscaping approved in accordance with this Village Green Ordinance. This is to include, but is not limited to, irrigation and mulching of planting areas, replacing dead, diseased, or overgrown plantings with identical varieties or a suitable substitute, and keeping the area free of refuse, debris, rank vegetation and weeds.

**Section 8.3**    **Building Base Landscaping**. The building base landscaping around the buildings shall include a minimum of twelve (12) shrubs. Additionally, there shall be a minimum of two (2) shade trees per unit between the unit and the sidewalk, if the necessary area for planting is available. If a shade tree can not be planted between the unit and the sidewalk, that shade tree will be planted at an alternate location on the site.

**Section 8.4**    **Perimeter Planting/Buffer Yard**. The perimeter planting and buffer yard planting shall be in accordance with Section 26.04 Perimeter Buffering Requirements of the Zoning Ordinance.

**Section 8.5**    **Interior Plantings**. Adjacent to the entry drive of the development, for each one hundred (100) linear foot increment, there shall be a minimum of three (3) shade trees, two (2) ornamental trees and ten (10) shrubs. For any common areas adjacent to a parking area, plantings shall be in accordance with Section 26.04 Perimeter Buffering Requirements of the Zoning Ordinance.

**Section 8.6**    **Tree Conservation**. Existing trees as identified on the Landscape Plan as “Tree Conservation Area” shall not be removed from the Real Estate except as follows:

1. As is necessary to clear underbrush and dead trees;

- 1  
2 2. As is necessary for the installation of access easements, rights-of-way, streets, paths,  
3 sidewalks, and utilities and drainage improvements and infrastructure; and  
4  
5 3. As necessary for public health and safety, as determined with the cooperation of the  
6 City of Carmel's Urban Forrester.  
7

8 **Section 9** **Lighting Requirements**  
9

- 10 A. Front of Townhome lighting: Each Townhome shall have one (1) light fixture near  
11 the door.  
12  
13 B. Rear of Townhome lighting: Each Townhome shall have a minimum of one (1) light  
14 fixture on the rear of each unit, however the light position(s) shall be consistent  
15 among all units.  
16  
17 C. Street Lighting: Street lighting shall be provided near intersections of streets and  
18 alleyways and along the Monon Trail and 136th Street.  
19  
20 D. Light Fixture Renderings: Attached to Exhibit "C" and referred to herein as the Wall  
21 Mounted Luminaries and Pole Mounted Luminaries are renderings which depict the  
22 acceptable types of wall and pole mounted luminaries for the District.  
23

24 **Section 10** **Signs and Entry Way Wall**  
25

26 Section 10.1. Ground Signs and Entry Wall.  
27

- 28 A. Type: At each entrance to the development, adjacent 136th Street, Two (2)  
29 Ground/Entryway Signs shall be permitted, as is depicted on Exhibit "C", which is  
30 attached hereto and incorporated herein by reference.  
31  
32 B. Maximum Sign Area: Twenty-four (24) square feet each.  
33  
34 C. Illumination of Sign: External.  
35  
36 D. Sign Permit: Required.  
37  
38 E. Fees: Required.  
39

40 **Section 11** **Parking**  
41

42 Section 11.1 Minimum Parking: Each Townhome shall contain a two (2) car garage and,  
43 in addition, there shall be guest parking provided within on-street parking spaces and other  
44 spaces to be provided on the site, as depicted on the Site Plan and incorporated herein by  
45 reference as Exhibit "D".  
46  
47  
48

1 **Section 12 Homeowners Association and Declaration of Covenants**

2  
3 Section 12.1 Declaration of Covenants and Homeowners Association: The Developer  
4 shall prepare and record a Declaration of Covenants which shall also contain various  
5 provisions regarding the Real Estate as determined by the Developer, including, without  
6 limitation, provisions for mandatory assessments and maintenance of common areas. The  
7 Declaration of Covenants will also provide for the establishment of a Homeowners  
8 Association in which membership shall be mandatory.  
9

10 **Section 13. Approval Process**

11  
12 Section 13.1. Approval or Denial of the Primary Plat/Development Plan.

- 13  
14 A. Exhibit “D”, which is attached hereto and incorporated herein by reference, shall  
15 serve as the Site Plan (the “SP”). The SP does constitute the approved Development  
16 Plan and primary plat for the Real Estate, and it does constitute the approved  
17 architecture, design, lighting and landscaping for the Real Estate and the  
18 improvements thereon, considered in connection with the Village Green Ordinance.  
19 Village Green shall not require further (i) ADLS approval and (ii) Development  
20 Plan/primary plat approval. The Final Development Plan approval procedures are  
21 set forth below in this Section 13. If there is a Substantial Alteration in the approved  
22 ADLS and Development Plan/primary plat, review and approval of the amended  
23 plans shall be made by the Commission, or a Committee thereof, pursuant to the  
24 Commission’s rules of procedure. Minor Alterations may be approved by the  
25 Director.  
26  
27 B. The Director shall have the sole and exclusive authority to approve without  
28 conditions, approve with conditions, or disapprove the Final Development  
29 Plans/Secondary Plats (collectively, the “FDP”) for the Village Green; provided,  
30 however, that the Director shall not unreasonably withhold or delay the Director’s  
31 approval of the FDP that is in substantial conformance with the SP and is in  
32 conformance with the Development Requirements and Development Standards of  
33 this Village Green Ordinance. If the Director disapproves any FDP, the Director  
34 shall set forth in writing the basis for the disapproval and schedule the request for  
35 approval of the FDP for a hearing before the full Plan Commission.  
36  
37 C. An amendment to the FDP, which is not determined by the Director to be a  
38 Substantial Alternation or Material Alteration from the approved SP, may be  
39 reviewed and approved solely by the Director. However, in the event the Director  
40 determines that there has been a Substantial Alteration or Material Alteration  
41 between the approved SP and any proposed FDP, the Director may, at the Director’s  
42 discretion, refer the amended FDP to the Commission, or a Committee thereof, for  
43 review and approval by the Commission and/or a Committee thereof.  
44  
45 D. The FDP shall be a specific plan for the development of all or a portion of the Real  
46 Estate that is submitted for approval to the Director, which shall include reasonable  
47 detail regarding the facility and structures to be constructed, as well as drainage,  
48 erosion control, utilities, and building information.

1  
2 **Section 14 Definitions and Rules of Construction**  
3

4 Section 14.1 General Rules of Construction. The following general rules of construction  
5 and definitions shall apply to the regulations of this Ordinance:  
6

- 7 A. The singular number includes the plural and the plural the singular, unless the  
8 context clearly indicates the contrary.  
9  
10 B. Words used in the present tense include the past and future tenses, and the future the  
11 present.  
12  
13 C. The word “shall” is a mandatory requirement. The word “may” is a permissive  
14 requirement. The word “should” is a preferred requirement.  
15

16 Section 14.2 Definitions  
17

- 18 A. Accessory Structure: A structure subordinate to a building or use located on the Real  
19 Estate which is not used for permanent human occupancy.  
20  
21 B. Accessory Use: A use subordinate to the main use, located on the Real Estate or in  
22 the same building as the main use, and incidental to the main use.  
23  
24 C. Building Height: The vertical distance from the lot ground level to the highest point  
25 of the roof for a flat roof, to the deck line of a mansurd roof and the mean height  
26 between eaves and ridges for gable, hip and gambrel roofs.  
27  
28 D. City: The City of Carmel, Indiana.  
29  
30 E. Commission: The Carmel/Clay Plan Commission.  
31  
32 F. Council: The City Council of the City of Carmel, Indiana.  
33  
34 G. County: Hamilton County, Indiana.  
35  
36 H. Declaration of Covenants: A Declaration of Covenants, Conditions and Restrictions  
37 for the Real Estate which shall be recorded in the office of the Recorder of Hamilton  
38 County, Indiana, and which may, from time to time, be amended.  
39  
40 I. Plan, Site. A general plan for the development of the Real Estate, abbreviated as  
41 “SP” that is submitted for approval showing proposed facilities, buildings, and  
42 structures. This plan generally shows landscape areas, parking areas, site access,  
43 drainage features, and building locations and is depicted on Exhibit “D”, which is  
44 attached hereto and incorporated herein by reference.  
45  
46 J. Development Plan, Final. A specific plan for the development of the Real Estate  
47 abbreviated as “FDP” Estate that is submitted for approval showing proposed  
48 facilities, buildings, and structures. This plan review includes general landscaping,

1 parking, drainage, erosion control, signage, lighting, screening and building  
2 information for the site.

3  
4 K. Development Requirements. Development standards and any requirements specified  
5 in this Village Green Ordinance which must be satisfied in connection with the  
6 approval of a Final Development Plan.

7  
8 L. Developer. Bay Development Corporation, Drees Premiere Homes, Inc. and its  
9 successors and assigns.

10  
11 M. Director: Director, or Administrator, of the Department of Community Services for  
12 the City of Carmel, Indiana. "Director" and "Administrator" shall include his/her  
13 authorized representatives.

14  
15 N. Homeowners Association: A nonprofit corporation established for the promotion of  
16 the health, safety and welfare of the residents of the Village Green, and to manage,  
17 maintain, and repair the common areas within the Real Estate and any improvements  
18 located thereon.

19  
20 O. Masonry: Masonry shall include brick, stone and/or stucco.

21  
22 P. Material Alteration: Any change to an approved plan of any type that involves the  
23 substitution of one material, species, element, etc. for another.

24  
25 Q. Minor Alteration: Any change to an approved plan of any type that involves the  
26 revision of less than ten percent (10%) of the plan's total area or approved materials.

27  
28 R. Parcel Coverage: The total ground area, within the Real Estate, covered by buildings  
29 and accessory structures which are greater than eighteen (18) inches above grade  
30 level, excluding fences and walls not attached in any way to a roof, divided by the  
31 total horizontal area within the Real Estate boundaries.

32  
33 S. Real Estate. The Real Estate shall mean and refer to all of the Real Estate described  
34 in Exhibit "A".

35  
36 T. Right-of-Way: An area of land permanently dedicated to provide light, air and  
37 access.

38  
39 U. Set Back: The least measured distance between a building or structure, excluding,  
40 however, porches, porch or building steps and patios, and the perimeter boundary of  
41 the Real Estate. For purposes of determining Set Back, the perimeter boundary of  
42 the Real Estate (i) shall always mean and refer to the outside perimeter boundary line  
43 of the Real Estate and (ii) shall not be changed or reduced by reason of the platting  
44 or subdivision of the Real Estate into smaller parcels.

45  
46 V. Sign: Any type of sign as further defined and regulated by this Ordinance and the  
47 Sign Ordinance for Carmel-Clay Township, Ordinance Z-196, as amended.  
48

- 1 W. Substantial Alteration: Any change to an approved plan of any type that involves the  
2 revision of ten percent (10%) or more of the plan's total area or approved materials.  
3  
4 X. Townhome: An attached dwelling intended for occupancy by a single family.  
5  
6 Y. Townhome Building: A structure containing attached dwellings.  
7  
8 Z. Trim: Soffits, architraves, wood reveals, and casement around doors and windows.  
9

10 **Section 15. Violations.** All violations of this Village Green Ordinance shall be subject to Section  
11 34.0 of the Carmel/Clay Zoning Ordinance.  
12  
13  
14

15 PASSED by the Common Council of the City of Carmel, Indiana this \_\_\_\_\_ day of  
16 \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

COMMON COUNCIL FOR THE CITY OF CARMEL

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana the \_\_\_\_ day of  
\_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

Diana L. Cordray, IAMC, Clerk Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk Treasurer

This Instrument prepared by: James E. Shinaver  
NELSON & FRANKENBERGER  
3021 East 98th Street, Suite 220  
Indianapolis, IN 46280



## EXHIBIT A

### Legal Description

A part of the east half of the northeast quarter of section twenty-five (25) Township eighteen (18) North, Range three (3) East, described as follows:

BEGIN at the northwest corner of the east half of the northeast quarter of said section 25, run south on the west line of said east half 847 feet to a stone marked T, thence east on line parallel with the north line of said quarter section 468.93 feet to the west right-of-way line of the Louisville, New Albany and Chicago Railroad (Monon); thence northwesterly along said right-of-way line 847.3 feet to the intersection of the north line of said quarter section; thence west along the north line of said quarter section 456.8 feet to the place of beginning.

Containing 9.00 acres more or less in Clay Township of Hamilton County, Indiana.





EXHIBIT  
8  
1052





EXHIBIT  
B  
242







# DIERS HOMES GUIDELINE FOR COMMUNITY LAMN AND LANDSCAPE MAINTENANCE

THESE GUIDELINES ARE INTENDED TO PROVIDE A FRAMEWORK FOR THE DESIGN AND MAINTENANCE OF THE LANDSCAPE AND LAMN FOR THE DIERS HOMES. THE GUIDELINES ARE BASED ON THE FOLLOWING PRINCIPLES:

- 1. THE LANDSCAPE SHOULD BE DESIGNED TO ENHANCE THE ARCHITECTURAL QUALITY OF THE HOMES.
- 2. THE LANDSCAPE SHOULD BE DESIGNED TO PROVIDE A SENSE OF PLACE AND COMMUNITY.
- 3. THE LANDSCAPE SHOULD BE DESIGNED TO BE SUSTAINABLE AND EASY TO MAINTAIN.
- 4. THE LANDSCAPE SHOULD BE DESIGNED TO BE ACCESSIBLE TO ALL RESIDENTS.

**LANDSCAPE MAINTENANCE**

THESE GUIDELINES ARE INTENDED TO PROVIDE A FRAMEWORK FOR THE DESIGN AND MAINTENANCE OF THE LANDSCAPE AND LAMN FOR THE DIERS HOMES. THE GUIDELINES ARE BASED ON THE FOLLOWING PRINCIPLES:

- 1. THE LANDSCAPE SHOULD BE DESIGNED TO ENHANCE THE ARCHITECTURAL QUALITY OF THE HOMES.
- 2. THE LANDSCAPE SHOULD BE DESIGNED TO PROVIDE A SENSE OF PLACE AND COMMUNITY.
- 3. THE LANDSCAPE SHOULD BE DESIGNED TO BE SUSTAINABLE AND EASY TO MAINTAIN.
- 4. THE LANDSCAPE SHOULD BE DESIGNED TO BE ACCESSIBLE TO ALL RESIDENTS.

**LANDSCAPE MAINTENANCE**

THESE GUIDELINES ARE INTENDED TO PROVIDE A FRAMEWORK FOR THE DESIGN AND MAINTENANCE OF THE LANDSCAPE AND LAMN FOR THE DIERS HOMES. THE GUIDELINES ARE BASED ON THE FOLLOWING PRINCIPLES:

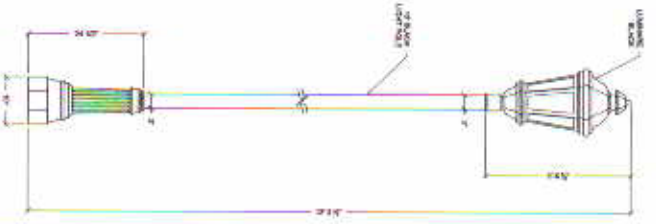
- 1. THE LANDSCAPE SHOULD BE DESIGNED TO ENHANCE THE ARCHITECTURAL QUALITY OF THE HOMES.
- 2. THE LANDSCAPE SHOULD BE DESIGNED TO PROVIDE A SENSE OF PLACE AND COMMUNITY.
- 3. THE LANDSCAPE SHOULD BE DESIGNED TO BE SUSTAINABLE AND EASY TO MAINTAIN.
- 4. THE LANDSCAPE SHOULD BE DESIGNED TO BE ACCESSIBLE TO ALL RESIDENTS.



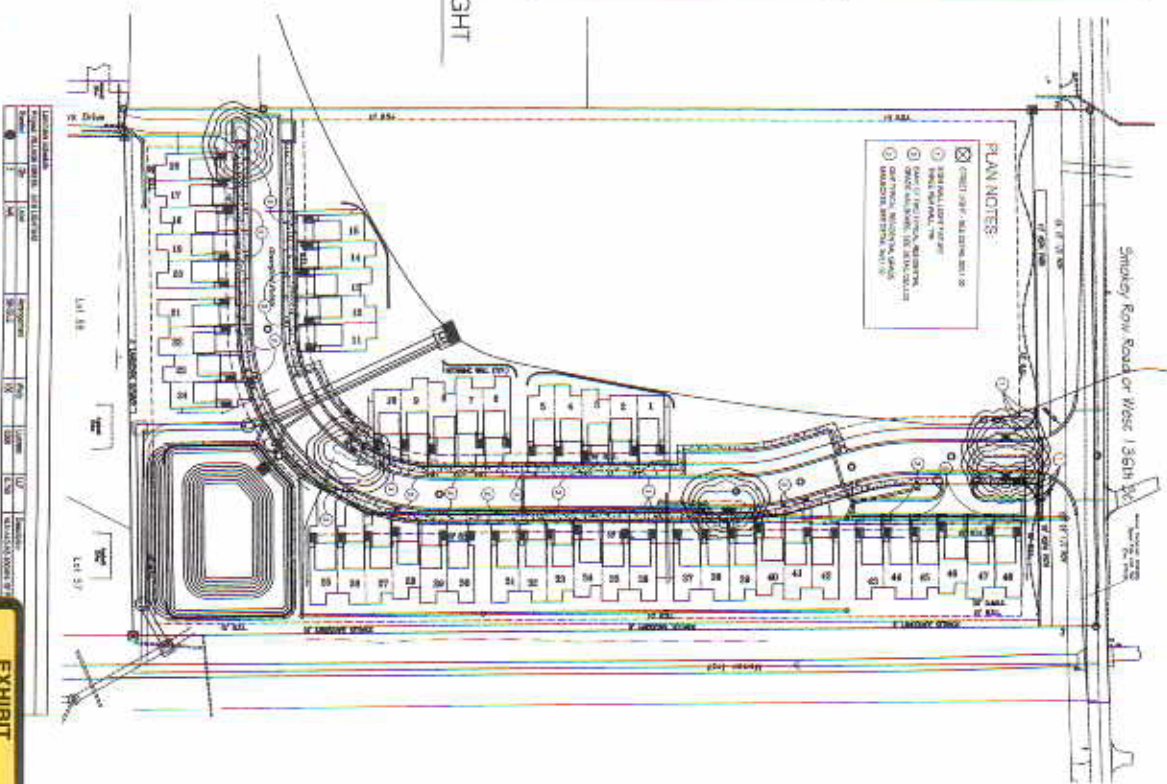
03 TYPICAL DOUBLE MAILBOX  
L1.08 NOT TO SCALE



02 TYPICAL SINGLE MAILBOX  
L1.08 NOT TO SCALE



04 TYPICAL STREET LIGHT  
L1.08 NOT TO SCALE



01 LIGHTING AND MAILBOX LAYOUT PLAN  
L1.08 P-152-C



L1.02



KERN & ASSOCIATES, INC.  
ARCHITECTS  
1111 WEST 10TH STREET, SUITE 100  
LOS ANGELES, CA 90015  
TEL: (213) 481-1111  
FAX: (213) 481-1112  
WWW.KERN-ARCH.COM

DATE: 10/10/10  
PROJECT: VILLAGE GREEN TOWNHOMES  
SHEET: 101-100  
DESIGNED BY: KERN & ASSOCIATES  
CHECKED BY: KERN & ASSOCIATES  
APPROVED BY: KERN & ASSOCIATES

NOT FOR CONSTRUCTION

VILLAGE GREEN TOWNHOMES

CABLE IN LIGHTING AND MAILBOX PLAN

DATE: 10/10/10  
PROJECT: VILLAGE GREEN TOWNHOMES  
SHEET: 101-100  
DESIGNED BY: KERN & ASSOCIATES  
CHECKED BY: KERN & ASSOCIATES  
APPROVED BY: KERN & ASSOCIATES



- [illegible]

ELAVITTENI MATTHEW

1. **Controlled** means that the test and control groups are identical in all respects, except for the treatment being tested. This means that the only difference between the two groups is the treatment being tested. For example, in a controlled experiment, the test group might receive a new drug, while the control group receives a placebo. The only difference between the two groups is the treatment being tested.
2. **Randomized** means that the subjects in the test and control groups are randomly assigned to each group. This means that the subjects are not chosen based on any characteristics that might affect the outcome of the experiment. For example, in a randomized experiment, the subjects might be randomly assigned to receive either the new drug or the placebo.
3. **Double-blind** means that neither the subjects nor the researchers know which group is receiving the treatment. This means that the subjects are not aware of which group they are in, and the researchers are not aware of which group is receiving the treatment. This helps to eliminate bias in the results.
4. **Placebo** is a substance that has no therapeutic effect. It is often used in controlled experiments to compare the effects of a new treatment to the effects of a placebo. For example, in a controlled experiment, the control group might receive a placebo, while the test group receives the new drug.
5. **Control group** is the group of subjects that does not receive the treatment being tested. This group is used to compare the effects of the treatment to the effects of the placebo. For example, in a controlled experiment, the control group might receive a placebo, while the test group receives the new drug.
6. **Test group** is the group of subjects that receives the treatment being tested. This group is used to compare the effects of the treatment to the effects of the placebo. For example, in a controlled experiment, the test group might receive the new drug, while the control group receives a placebo.
7. **Experimental design** is the plan for how the experiment will be conducted. It includes details about the subjects, the treatment, the control, and the methods for measuring the outcome. For example, the experimental design might specify that the subjects will be randomly assigned to the test and control groups, and that the outcome will be measured using a specific scale.
8. **Statistical analysis** is the process of analyzing the data from the experiment to determine if there is a significant difference between the test and control groups. This involves using statistical tests to compare the means of the two groups. For example, a t-test might be used to compare the means of the two groups.
9. **Significance level** is the probability of rejecting the null hypothesis when it is actually true. This is often set at 0.05, which means that there is a 5% chance of rejecting the null hypothesis when it is actually true. This helps to control the risk of a Type I error.
10. **Null hypothesis** is the hypothesis that there is no difference between the test and control groups. This is the hypothesis that is tested in a controlled experiment. For example, the null hypothesis might be that the new drug has no effect compared to the placebo.
11. **Alternative hypothesis** is the hypothesis that there is a difference between the test and control groups. This is the hypothesis that is being tested in a controlled experiment. For example, the alternative hypothesis might be that the new drug has a significant effect compared to the placebo.
12. **Power** is the probability of rejecting the null hypothesis when it is actually false. This is often set at 0.80, which means that there is an 80% chance of rejecting the null hypothesis when it is actually false. This helps to control the risk of a Type II error.
13. **Confidence interval** is a range of values that is likely to contain the true value of the parameter being estimated. This is often used to estimate the effect size of the treatment. For example, a 95% confidence interval might be calculated for the difference in means between the test and control groups.
14. **Effect size** is the magnitude of the difference between the test and control groups. This is often measured using a standardized measure, such as Cohen's d. For example, a large effect size might indicate that the new drug has a significant effect compared to the placebo.
15. **Standard deviation** is a measure of the spread of the data. It is often used to measure the variability of the outcome. For example, a large standard deviation might indicate that the outcome is highly variable.
16. **Standard error** is a measure of the precision of the estimate. It is often used to measure the uncertainty of the estimate. For example, a small standard error might indicate that the estimate is very precise.
17. **Regression analysis** is a statistical method for analyzing the relationship between a dependent variable and one or more independent variables. This is often used to predict the outcome of the experiment based on the treatment. For example, a regression analysis might be used to predict the outcome of the experiment based on the treatment and other factors.
18. **Correlation coefficient** is a measure of the strength and direction of the relationship between two variables. This is often used to measure the relationship between the treatment and the outcome. For example, a positive correlation coefficient might indicate that the treatment has a positive effect on the outcome.
19. **Chi-square test** is a statistical test for analyzing the relationship between two categorical variables. This is often used to analyze the relationship between the treatment and the outcome. For example, a chi-square test might be used to analyze the relationship between the treatment and the outcome.
20. **F-test** is a statistical test for analyzing the relationship between two continuous variables. This is often used to analyze the relationship between the treatment and the outcome. For example, an F-test might be used to analyze the relationship between the treatment and the outcome.
21. **T-test** is a statistical test for analyzing the relationship between two continuous variables. This is often used to analyze the relationship between the treatment and the outcome. For example, a t-test might be used to analyze the relationship between the treatment and the outcome.
22. **ANOVA** is a statistical test for analyzing the relationship between two continuous variables. This is often used to analyze the relationship between the treatment and the outcome. For example, an ANOVA might be used to analyze the relationship between the treatment and the outcome.
23. **Logistic regression** is a statistical method for analyzing the relationship between a binary dependent variable and one or more independent variables. This is often used to predict the outcome of the experiment based on the treatment. For example, a logistic regression might be used to predict the outcome of the experiment based on the treatment and other factors.
24. **Linear regression** is a statistical method for analyzing the relationship between a continuous dependent variable and one or more independent variables. This is often used to predict the outcome of the experiment based on the treatment. For example, a linear regression might be used to predict the outcome of the experiment based on the treatment and other factors.
25. **Non-linear regression** is a statistical method for analyzing the relationship between a continuous dependent variable and one or more independent variables. This is often used to predict the outcome of the experiment based on the treatment. For example, a non-linear regression might be used to predict the outcome of the experiment based on the treatment and other factors.
26. **Bayesian statistics** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, Bayesian statistics might be used to analyze the relationship between the treatment and the outcome.
27. **Machine learning** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, machine learning might be used to analyze the relationship between the treatment and the outcome.
28. **Deep learning** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep learning might be used to analyze the relationship between the treatment and the outcome.
29. **Neural networks** are a type of machine learning model that is used to analyze the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, neural networks might be used to analyze the relationship between the treatment and the outcome.
30. **Support vector machines** are a type of machine learning model that is used to analyze the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, support vector machines might be used to analyze the relationship between the treatment and the outcome.
31. **Decision trees** are a type of machine learning model that is used to analyze the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, decision trees might be used to analyze the relationship between the treatment and the outcome.
32. **Random forests** are a type of machine learning model that is used to analyze the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, random forests might be used to analyze the relationship between the treatment and the outcome.
33. **Gradient descent** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, gradient descent might be used to analyze the relationship between the treatment and the outcome.
34. **Stochastic gradient descent** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, stochastic gradient descent might be used to analyze the relationship between the treatment and the outcome.
35. **Adam** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, Adam might be used to analyze the relationship between the treatment and the outcome.
36. **RMSprop** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, RMSprop might be used to analyze the relationship between the treatment and the outcome.
37. **Adagrad** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, Adagrad might be used to analyze the relationship between the treatment and the outcome.
38. **AdaDelta** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, AdaDelta might be used to analyze the relationship between the treatment and the outcome.
39. **Adafactor** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, Adafactor might be used to analyze the relationship between the treatment and the outcome.
40. **Adaptive learning** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, adaptive learning might be used to analyze the relationship between the treatment and the outcome.
41. **Reinforcement learning** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, reinforcement learning might be used to analyze the relationship between the treatment and the outcome.
42. **Supervised learning** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, supervised learning might be used to analyze the relationship between the treatment and the outcome.
43. **Unsupervised learning** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, unsupervised learning might be used to analyze the relationship between the treatment and the outcome.
44. **Deep reinforcement learning** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep reinforcement learning might be used to analyze the relationship between the treatment and the outcome.
45. **Deep supervised learning** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep supervised learning might be used to analyze the relationship between the treatment and the outcome.
46. **Deep unsupervised learning** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep unsupervised learning might be used to analyze the relationship between the treatment and the outcome.
47. **Deep reinforcement learning with exploration** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep reinforcement learning with exploration might be used to analyze the relationship between the treatment and the outcome.
48. **Deep supervised learning with exploration** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep supervised learning with exploration might be used to analyze the relationship between the treatment and the outcome.
49. **Deep unsupervised learning with exploration** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep unsupervised learning with exploration might be used to analyze the relationship between the treatment and the outcome.
50. **Deep reinforcement learning with exploration and exploitation** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep reinforcement learning with exploration and exploitation might be used to analyze the relationship between the treatment and the outcome.
51. **Deep supervised learning with exploration and exploitation** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep supervised learning with exploration and exploitation might be used to analyze the relationship between the treatment and the outcome.
52. **Deep unsupervised learning with exploration and exploitation** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep unsupervised learning with exploration and exploitation might be used to analyze the relationship between the treatment and the outcome.
53. **Deep reinforcement learning with exploration, exploitation, and regularization** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep reinforcement learning with exploration, exploitation, and regularization might be used to analyze the relationship between the treatment and the outcome.
54. **Deep supervised learning with exploration, exploitation, and regularization** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep supervised learning with exploration, exploitation, and regularization might be used to analyze the relationship between the treatment and the outcome.
55. **Deep unsupervised learning with exploration, exploitation, and regularization** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep unsupervised learning with exploration, exploitation, and regularization might be used to analyze the relationship between the treatment and the outcome.
56. **Deep reinforcement learning with exploration, exploitation, regularization, and dropout** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep reinforcement learning with exploration, exploitation, regularization, and dropout might be used to analyze the relationship between the treatment and the outcome.
57. **Deep supervised learning with exploration, exploitation, regularization, and dropout** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep supervised learning with exploration, exploitation, regularization, and dropout might be used to analyze the relationship between the treatment and the outcome.
58. **Deep unsupervised learning with exploration, exploitation, regularization, and dropout** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep unsupervised learning with exploration, exploitation, regularization, and dropout might be used to analyze the relationship between the treatment and the outcome.
59. **Deep reinforcement learning with exploration, exploitation, regularization, dropout, and batch normalization** is a statistical method for analyzing the relationship between two variables. This is often used to analyze the relationship between the treatment and the outcome. For example, deep reinforcement learning with exploration, exploitation, regularization, dropout, and batch normalization might be used to analyze the relationship between the treatment and the outcome.
60. **Deep supervised learning with exploration, exploitation, regularization, dropout, and batch normalization** is a statistical method for analyzing the relationship between two variables. This is often used to

Edwards said that they conducted

- [illegible]

"DON'T DIG BLIND"  
"IT'S THE LAW"

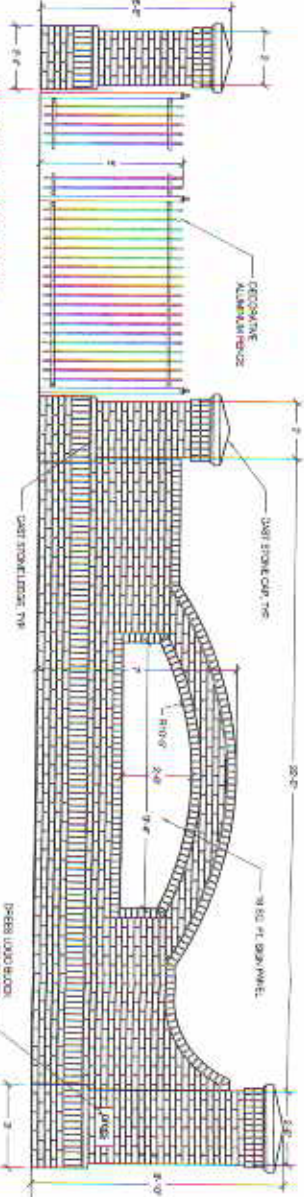


### 03 VILLAGE GREEN TOWNHOMES SHRUB PLANTING DETAIL

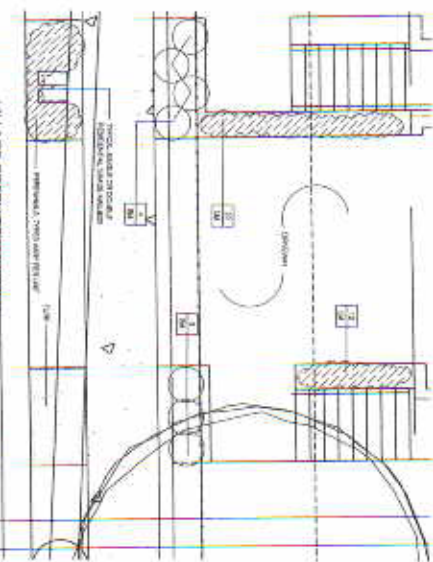


THESE CLINICAL

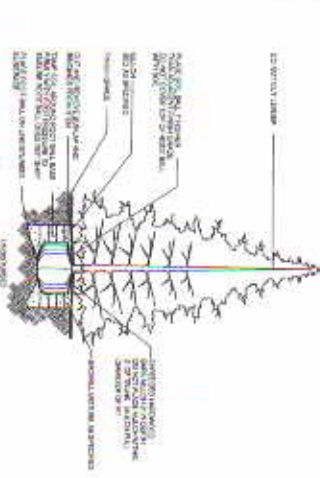
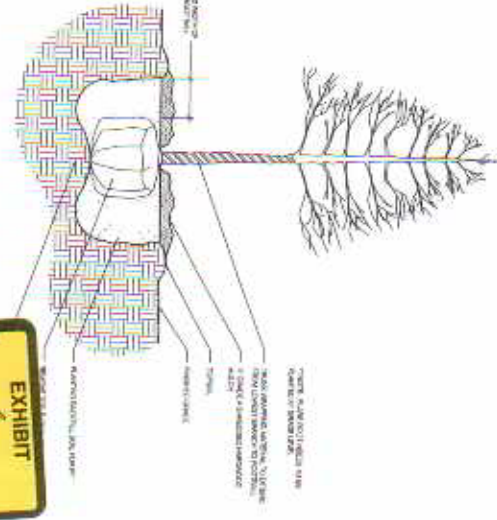
## 05 WILLAGH GREEN TOWNHOMES ENTRY SIGN WALL AND FENCE COLUMN ELEVATION



## 04 TYPICAL UNIT LANDSCAPE PLAN



## 02 EVERGREEN TREE PLANTING DETAIL

[illegible]VILLAGE GREEN TOWNHOMES  
SHADE TREE BL ANTIN

WOLFE, D. L. 2001. *Journal of Great Lakes Research* 27:1-12.

TIME AND S-HUB SCHEDULE (PER UNIT)				
Ref	City	Major Road	Time	Distance
01	0	WATERBURY AIRPORT	0.0	0.0
02	0	WATERBURY AIRPORT	0.0	0.0
03	0	WATERBURY AIRPORT	0.0	0.0
04	0	WATERBURY AIRPORT	0.0	0.0
05	0	WATERBURY AIRPORT	0.0	0.0
06	0	WATERBURY AIRPORT	0.0	0.0
07	0	WATERBURY AIRPORT	0.0	0.0
08	0	WATERBURY AIRPORT	0.0	0.0
09	0	WATERBURY AIRPORT	0.0	0.0
10	0	WATERBURY AIRPORT	0.0	0.0
11	0	WATERBURY AIRPORT	0.0	0.0
12	0	WATERBURY AIRPORT	0.0	0.0
13	0	WATERBURY AIRPORT	0.0	0.0
14	0	WATERBURY AIRPORT	0.0	0.0
15	0	WATERBURY AIRPORT	0.0	0.0
16	0	WATERBURY AIRPORT	0.0	0.0
17	0	WATERBURY AIRPORT	0.0	0.0
18	0	WATERBURY AIRPORT	0.0	0.0
19	0	WATERBURY AIRPORT	0.0	0.0
20	0	WATERBURY AIRPORT	0.0	0.0
21	0	WATERBURY AIRPORT	0.0	0.0
22	0	WATERBURY AIRPORT	0.0	0.0
23	0	WATERBURY AIRPORT	0.0	0.0
24	0	WATERBURY AIRPORT	0.0	0.0
25	0	WATERBURY AIRPORT	0.0	0.0
26	0	WATERBURY AIRPORT	0.0	0.0
27	0	WATERBURY AIRPORT	0.0	0.0
28	0	WATERBURY AIRPORT	0.0	0.0
29	0	WATERBURY AIRPORT	0.0	0.0
30	0	WATERBURY AIRPORT	0.0	0.0
31	0	WATERBURY AIRPORT	0.0	0.0
32	0	WATERBURY AIRPORT	0.0	0.0
33	0	WATERBURY AIRPORT	0.0	0.0
34	0	WATERBURY AIRPORT	0.0	0.0
35	0	WATERBURY AIRPORT	0.0	0.0
36	0	WATERBURY AIRPORT	0.0	0.0
37	0	WATERBURY AIRPORT	0.0	0.0
38	0	WATERBURY AIRPORT	0.0	0.0
39	0	WATERBURY AIRPORT	0.0	0.0
40	0	WATERBURY AIRPORT	0.0	0.0
41	0	WATERBURY AIRPORT	0.0	0.0
42	0	WATERBURY AIRPORT	0.0	0.0
43	0	WATERBURY AIRPORT	0.0	0.0
44	0	WATERBURY AIRPORT	0.0	0.0
45	0	WATERBURY AIRPORT	0.0	0.0
46	0	WATERBURY AIRPORT	0.0	0.0
47	0	WATERBURY AIRPORT	0.0	0.0
48	0	WATERBURY AIRPORT	0.0	0.0
49	0	WATERBURY AIRPORT	0.0	0.0
50	0	WATERBURY AIRPORT	0.0	0.0
51	0	WATERBURY AIRPORT	0.0	0.0
52	0	WATERBURY AIRPORT	0.0	0.0
53	0	WATERBURY AIRPORT	0.0	0.0
54	0	WATERBURY AIRPORT	0.0	0.0
55	0	WATERBURY AIRPORT	0.0	0.0
56	0	WATERBURY AIRPORT	0.0	0.0
57	0	WATERBURY AIRPORT	0.0	0.0
58	0	WATERBURY AIRPORT	0.0	0.0
59	0	WATERBURY AIRPORT	0.0	0.0
60	0	WATERBURY AIRPORT	0.0	0.0
61	0	WATERBURY AIRPORT	0.0	0.0
62	0	WATERBURY AIRPORT	0.0	0.0
63	0	WATERBURY AIRPORT	0.0	0.0
64	0	WATERBURY AIRPORT	0.0	0.0
65	0	WATERBURY AIRPORT	0.0	0.0
66	0	WATERBURY AIRPORT	0.0	0.0
67	0	WATERBURY AIRPORT	0.0	0.0
68	0	WATERBURY AIRPORT	0.0	0.0
69	0	WATERBURY AIRPORT	0.0	0.0
70	0	WATERBURY AIRPORT	0.0	0.0
71	0	WATERBURY AIRPORT	0.0	0.0
72	0	WATERBURY AIRPORT	0.0	0.0
73	0	WATERBURY AIRPORT	0.0	0.0
74	0	WATERBURY AIRPORT	0.0	0.0
75	0	WATERBURY AIRPORT	0.0	0.0
76	0	WATERBURY AIRPORT	0.0	0.0
77	0	WATERBURY AIRPORT	0.0	0.0
78	0	WATERBURY AIRPORT	0.0	0.0



**Drees**  
HOMES

April 01, 2008

SITE LANDSCAPE PLAN

**VILLAGE GREEN**  
Carmel, Indiana



EXHIBIT  
D  
162



# Preliminary Development Plan VILLAGE GREEN

211 W Smokey Row Rd  
Carmel IN, 46032

Philip A. Duvel  
Master: 03-12022

Legend  
 1" = 10' STORM SEWER (RCP)  
 1" = 10' SANITARY SEWER (PVC SDR-35)  
 1" = 10' 8" D.I. C350 WATER MAIN  
 Philip A. Duvel  
Master: 01-21490

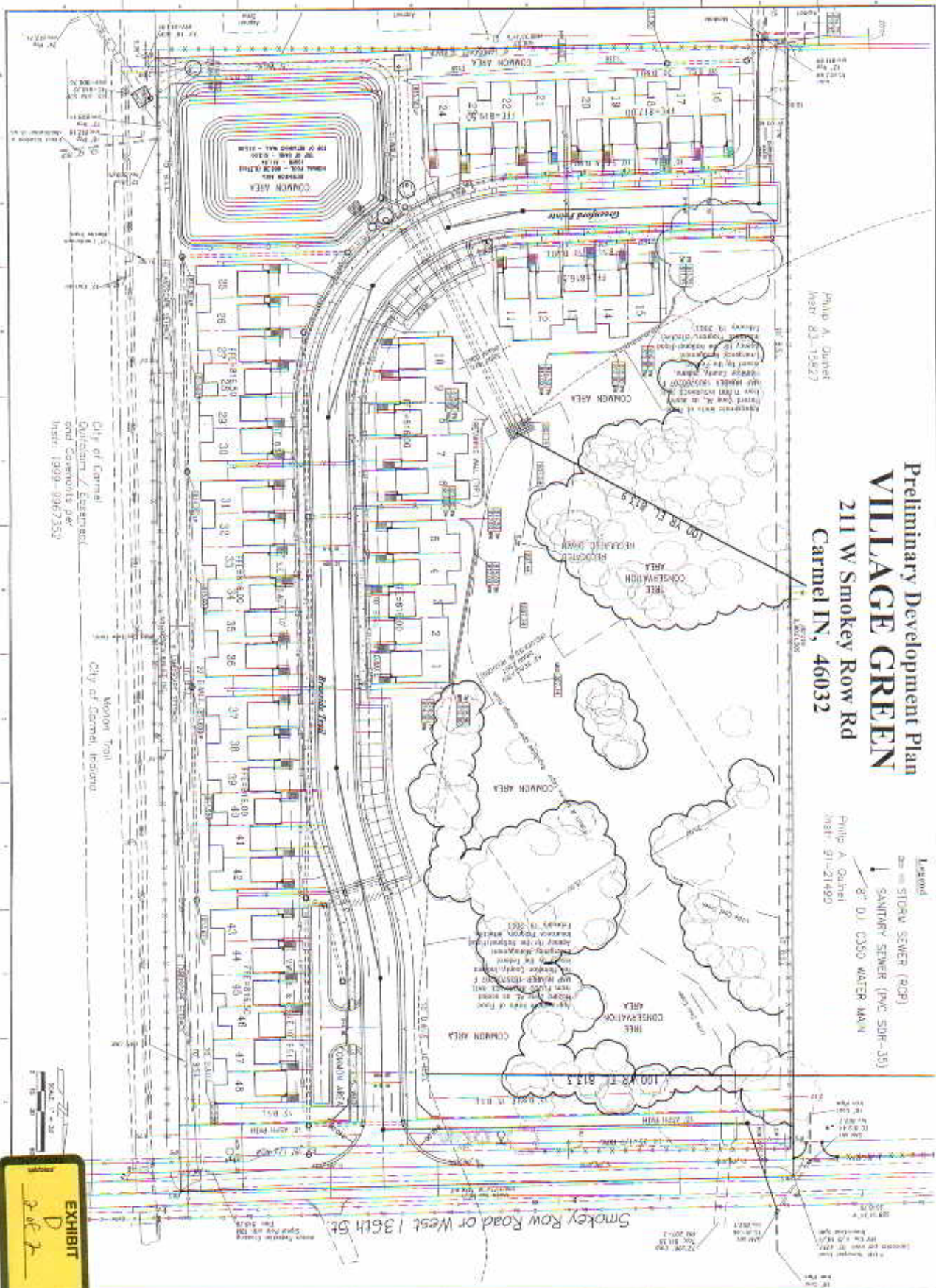


EXHIBIT  
D  
2022

Village Green  
 ARMY JONES  
 PRELIMINARY PLAT  
 C002  
 1000-0879

WEIHE ENGINEERS INC.  
 1000 NORTH COLLEGE AVENUE  
 INDIANAPOLIS, INDIANA 46202  
 WWW.WEHE.IND  
 317.944.9611  
 FAX 317.944.0546  
 TOLL FREE 800.457.5949  
 ALLIANCE WITH: P.E. ENGINEERS LAND SURVEYORS LANDSCAPE ARCHITECTS



**ORDINANCE D-1807-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,  
INDIANA, ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF  
ORDINANCES OF THE CITY OF CARMEL, INDIANA**

**WHEREAS**, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the First Quarter 2006 Supplement to the Code of Ordinances of the City of Carmel, which supplement contains all ordinances of a general nature enacted since the prior supplement to the code of ordinances of this municipality; and

**WHEREAS**, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

**WHEREAS**, the First Quarter 2006 Supplement has been reviewed by the Office of the Clerk-Treasurer and American Legal Publishing, and found to be accurate; and

**WHEREAS**, it is the intent of the Council to accept these updated sections in accordance with the changes of the law of the State of Indiana.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana:

**Section I:** That the First Quarter 2006 Supplement to the Code of Ordinances of the City of Carmel as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

**Section II:** All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

**Section III:** This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

1 **COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA**

2  
3  
4 \_\_\_\_\_  
5 Presiding Officer

\_\_\_\_\_

6  
7 \_\_\_\_\_  
8 Richard L. Sharp, President Pro Tempore

\_\_\_\_\_

9  
10 \_\_\_\_\_  
11 Ronald E. Carter

\_\_\_\_\_

12  
13 \_\_\_\_\_  
14 Fredrick J. Glaser

\_\_\_\_\_

15  
16  
17 ATTEST:

18  
19  
20 \_\_\_\_\_  
21 Diana L. Cordray, IAMC, Clerk-Treasurer

22  
23  
24 Presented by me to the Mayor of the City of Carmel, Indiana, on this \_\_\_\_ day of  
25 \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

26  
27  
28 \_\_\_\_\_  
29 Diana L. Cordray, IAMC, Clerk-Treasurer

30  
31 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
32 \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

33  
34  
35 \_\_\_\_\_  
36 James Brainard, Mayor

37  
38 ATTEST:

39  
40 \_\_\_\_\_  
41 Diana L. Cordray, IAMC, Clerk-Treasurer

42  
43 Prepared by: Diana L. Cordray, Clerk-Treasurer  
44 CITY OF CARMEL  
45 317-571-2414

**ORDINANCE D-1809-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
VACATING A PLATTED RIGHT-OF-WAY**

**WHEREAS**, there is a platted subdivision known as “Rolling Meadows” in the City of Carmel, Hamilton County, Indiana; and

**WHEREAS**, within that platted subdivision, there is a platted, undeveloped, unnamed street and right-of-way adjacent to Pearl Street, between Lots 27 and 28 of the subdivision (the “Property”) as more particularly described in the attached Exhibit A; and

**WHEREAS**, the current owners of that property have properly petitioned for the City to vacate such platted street and right of way; and

**WHEREAS**, the City Engineer and the City Legal Departments, having reviewed the Petition, find it to be in order; and

**WHEREAS**, the Board of Public Works and Safety has reviewed the pertinent information and recommended approval of the Petition; and

**WHEREAS**, the platted street and right-of-way have not been developed as a street, and as they currently exist, cannot be developed as a street; and

**WHEREAS**, the adjacent landowners consent to the vacation of the platted street and right-of-way, as detailed in attached Exhibit B; and

**WHEREAS**, there has been no evidence of probative value presented in opposition to the vacation at the public hearing held regarding said vacation.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Pursuant to Indiana Code 36-7-3-12, those portions of the platted street and right-of-way described in the attached Exhibit A are hereby vacated as public right-of-way and title as such vacated right-of-way hereby reverts to, and is vested in, the owners of the real estate abutting said rights-of-way.

Section 3. The above vacation shall not be effective as to the interest to any public utilities located within the above right of way.

Page One of Two Pages

Section 4. All prior Ordinance or parts inconsistent with any provisions of this Ordinance are hereby repealed.

Section 5: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

**PASSED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2006 by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006,  
at \_\_\_\_\_ O'clock, \_\_\_\_ M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
2006, at \_\_\_\_\_ O'clock, \_\_\_\_ M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1809-06  
Page Two of Two Pages

The initial draft of this document was prepared by Thomas D. Perkins, Carmel Assistant City Attorney, on May 19, 2006.  
Any changes thereafter made to this document are the sole responsibility of the document sponsor.

[Z:\Fine D Drive\Files\Ordinances\2006\D-1809-06.doc:3/3/2006 3:37 PM]

# BOUNDARY STAKE SURVEY

ROLLING MEADOWS ADDITION

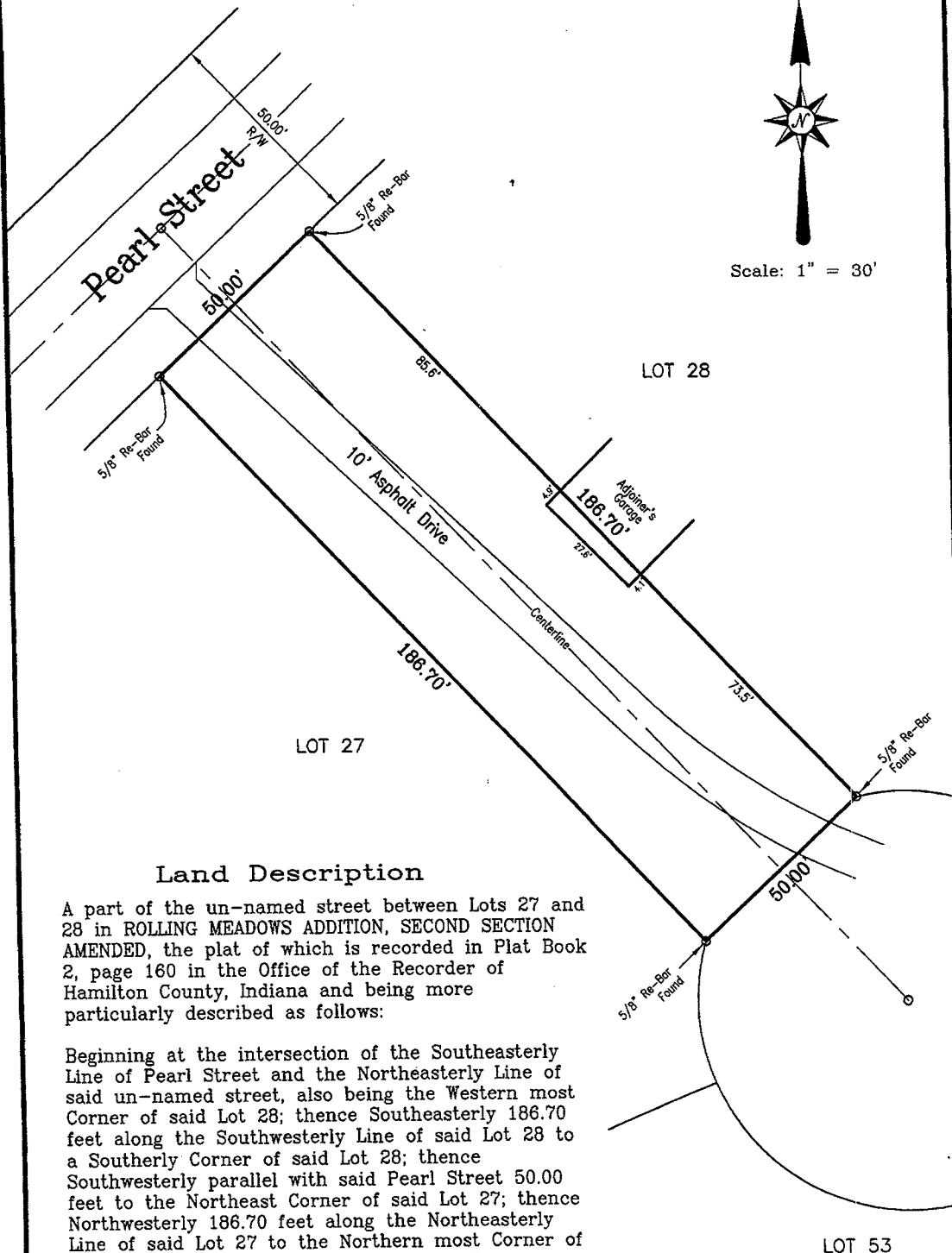
SECOND SECTION AMENDED

0.214 Acres  $\pm$

167 Pearl Street, Carmel, IN



Scale: 1" = 30'



## Land Description

A part of the un-named street between Lots 27 and 28 in ROLLING MEADOWS ADDITION, SECOND SECTION AMENDED, the plat of which is recorded in Plat Book 2, page 160 in the Office of the Recorder of Hamilton County, Indiana and being more particularly described as follows:

Beginning at the intersection of the Southeasterly Line of Pearl Street and the Northeasterly Line of said un-named street, also being the Western most Corner of said Lot 28; thence Southeasterly 186.70 feet along the Southwesterly Line of said Lot 28 to a Southerly Corner of said Lot 28; thence Southwesterly parallel with said Pearl Street 50.00 feet to the Northeast Corner of said Lot 27; thence Northwesternly 186.70 feet along the Northeasterly Line of said Lot 27 to the Northern most Corner of said Lot 27; thence Northeasterly along the Southeasterly Line of said Pearl Street extended, 50.00 feet to the point of beginning.

Prepared By:  
**POLARIS LAND SURVEYING**  
10130 East 96th Street  
Fishers, Indiana 46038  
(317) 849-4877 fax (317) 849-4926

## Certificate of Survey

I, Robert D. Peterson, duly licensed Land Surveyor in accordance with the laws of the State of Indiana do hereby certify that to the best of my professional knowledge, information and belief, the within plat represents a survey made under my supervision on July 28<sup>th</sup>, 2005 on the following described tract:

A part of the un-named street between Lots 27 and 28 in ROLLING MEADOWS ADDITION, SECOND SECTION AMENDED, the plat of which is recorded in Plat Book 2, page 160 in the Office of the Recorder of Hamilton County, Indiana and being more particularly described as follows:

Beginning at the intersection of the Southeasterly Line of Pearl Street and the Northeasterly Line of said un-named street, also being the Western most Corner of said Lot 28; thence Southeasterly 186.70 feet along the Southwesterly Line of said Lot 28 to a Southerly Corner of said Lot 28; thence Southwesterly parallel with said Pearl Street 50.00 feet to the Northeast Corner of said Lot 27; thence Northwesterly 186.70 feet along the Northeasterly Line of said Lot 27 to the Northern most Corner of said Lot 27; thence Northeasterly along the Southeasterly Line of said Pearl Street extended, 50.00 feet to the point of beginning.

In accordance with **Title 865, Article 1, Chapter 12 of the Indiana Administrative Code** (Rule 12), the following observation and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established this survey as a result of uncertainties in reference monumentation; in recorded descriptions and plats; in lines of occupation; and as introduced by random errors in measurement ("**Theoretical Uncertainty**"). There may be unwritten rights associated with these uncertainties. The client should assume there is an amount of uncertainty along any line equal in magnitude to the discrepancy in the location of the lines of possession from the surveyed lines. All survey monuments set or found this survey are flush with the existing grade unless otherwise noted.

**The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a "Class "B" Survey" (0.25 feet) as defined in IAC 865.**


The uncertainty associated with the corners set this survey as related to variances in reference monumentation is 0.04 feet; as related to discrepancies in the record deed is 0.00 feet; and as related to inconsistencies in lines of possession is 4.9'. The Adjoiner's Garage encroaches the Northeasterly Line 4.9 feet.

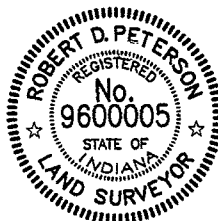
The monumentation used this survey consisted of existing centerline control monuments, and various survey markers found per Record Plat thereof.

All corners of the subject lot were monumented, as shown on the attached plat of survey with a 5/8" rebar and set flush with existing grade, unless otherwise noted.

No investigation or independent search was made for easements of record, encumbrances, restrictive covenants, ownership title evidence, ownership title evidence of the adjoiners or any other facts that an accurate and current title search may disclose.

WITNESS my hand and Registered Land Surveyors Seal this 11th day of August, 2005.

  
Robert D. Peterson  
Registered Land Surveyor  
State of Indiana No. 9600005



Prepared By:  
**POLARIS LAND SURVEYING**  
10130 East 96th Street  
Fishers, Indiana 46038  
(317) 849-4877 Fax (317) 849-4926

**CONSENT TO PETITION TO VACATE RIGHT OF WAY**

James Michael Butts and Billie Jo Butts, property owners of Lot 28, 163 Pearl Street, in the Rolling Meadows Subdivision, in Carmel, Indiana, do hereby consent to the Petition to Vacate Right of Way being submitted to the Carmel Board of Works on behalf of Joseph S. Nedder and Karen R. Nedder to vacate the right of way in the Rolling Meadows Subdivision with the following legal description:

A part of the un-named street between Lots 27 and 28 in "Rolling Meadows" Addition, Second Section, Amended, the plat of which is recorded in Plat Book 2, page 160, in the Office of the Recorder of Hamilton County, Indiana, and being more particularly described as follows:

Beginning at the intersection of the Southeasterly line of Pearl Street and the Northeasterly line of said un-named street, also being the Western most corner of said Lot 28; thence Southeasterly 186.70 feet along the Southeasterly line of said Lot 28 to a Southerly corner of said Lot 28; thence Southwesterly, parallel with said Pearl Street, 50.00 feet to the Northeast Corner of said Lot 27; thence Northwesterly 186.70 feet along the Northeasterly line of said Lot 27 to the Northern most corner of said Lot 27; thence Northeasterly along the Southeasterly line of said Pearl Street, extended, 50.00 feet to the point of the beginning.

Dated: 17 MAY 05

  
James Michael Butts

  
Billie Jo Butts

**CONSENT TO PETITION TO VACATE RIGHT OF WAY**

Katrina Nelson Thomas, property owner of Lot 27, 171 Pearl Street, in the Rolling Meadows Subdivision, in Carmel, Indiana, does hereby consent to the Petition to Vacate Right of Way being submitted to the Carmel Board of Works on behalf of Joseph S. Nedder and Karen R. Nedder to vacate the right of way in the Rolling Meadows Subdivision with the following legal description:

A part of the un-named street between Lots 27 and 28 in "Rolling Meadows" Addition, Second Section, Amended, the plat of which is recorded in Plat Book 2, page 160, in the Office of the Recorder of Hamilton County, Indiana, and being more particularly described as follows:

Beginning at the intersection of the Southeasterly line of Pearl Street and the Northeasterly line of said un-named street, also being the Western most corner of said Lot 28; thence Southeasterly 186.70 feet along the Southeasterly line of said Lot 28 to a Southerly corner of said Lot 28; thence Southwesterly, parallel with said Pearl Street, 50.00 feet to the Northeast Corner of said Lot 27; thence Northwesterly 186.70 feet along the Northeasterly line of said Lot 27 to the Northern most corner of said Lot 27; thence Northeasterly along the Southeasterly line of said Pearl Street, extended, 50.00 feet to the point of the beginning.

Dated:

6/22/2005

Katrina Nelson Thomas  
Katrina Nelson Thomas

"EXHIBIT B 2/2"



**ORDINANCE D-1810-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
AMENDING CHAPTER 6, ARTICLE 5, DIVISION VIII, SECTIONS 6-161(b)(3)  
AND 6-161(c)(1) OF THE CARMEL CITY CODE**

**WHEREAS**, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing second hand smoke can cause diseases in healthy non-smokers; and

**WHEREAS**, a significant amount of second hand smoke exposure occurs in the workplace, with employees who work in smoke-filled businesses suffering an increased risk of heart attacks, as well as higher rates of death from cardiovascular disease and cancer, an increase in acute respiratory diseases and a measurable decrease in lung functions; and

**WHEREAS**, smoke-filled workplaces result in higher rates of worker absenteeism due to respiratory disease, as well as in lower employee productivity, increased health insurance rates and an increase in liability claims for diseases related to exposure to second hand smoke; and

**WHEREAS**, it is in the best interests of the health, safety and welfare of the City's residents and visitors to now prohibit smoking in those bars and taverns currently exempted from the City's no-smoking law; and

**WHEREAS**, Carmel Police Officers should be included amongst those City officials authorized and empowered to enforce the City's no-smoking law.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: Carmel City Code Chapter 6, Article 5, Division VIII, Section 6-161(b)(3), should be and the same is hereby amended to read as follows:

**Sec. 6-161(b)(3)**:

"(3) The following establishments, areas and locations shall be exempt from the Smoking prohibitions set forth in Subsections (b)(i) and (ii) above, provided that no smoke from Smoking activities conducted therein or thereon enters any area or location in which Smoking is otherwise prohibited by this Section, to-wit:

- (a) Private residences, except when used as licensed child care or adult day care facilities or as Health Care Facilities.
- (b) Any vehicle used by an Employee while in the service of an Employer when the vehicle is occupied only by that Employee.

- 47 (c) Private vehicles when not being used in the service of an Employer  
48  
49 (d) Family-owned and operated businesses in which all Employees are related to the Business  
50 owner by blood or marriage, and the offices of self-employed persons in which all  
51 Employees are so related to the self-employed person, but only if no Enclosed Area in these  
52 Businesses and offices in which Smoking is permitted is a Public Place.  
53  
54 (e) Hotel and motel rooms that are rented to guests and are designated as "smoking rooms,"  
55 provided that not more than twenty percent (20%) of the rooms rented to guests in a hotel  
56 or motel are designated as "smoking rooms."  
57  
58 (f) Retail Tobacco Stores.  
59  
60 (g) Private and semi-private rooms in nursing homes and long-term Health Care Facilities that  
61 are occupied by one (1) or more persons, all of whom have requested in writing to be  
62 placed in a room where smoking is permitted.  
63  
64 (h) Any Tobacco Bar.  
65  
66 (i) Any Business that:  
67  
68 (1) Is exempt from federal income taxation under 26 U.S.C. 501(c); and  
69  
70 (2) Is a "club" as that term is defined in I.C. 7.1-3-20-1, or a "fraternal club" as that term  
71 is defined by I.C. 7.1-3-20-7; and  
72  
73 (3) Holds a beer, liquor and/or wine retailer's permit under the laws of Indiana; and  
74  
75 (4) Provides food or alcoholic beverages only to its *bona fide* members and their  
76 guests."  
77

78 Section 3: Carmel City Code Chapter 6, Article 5, Division VIII, Section 6-161(c)(1), should be  
79 and the same is hereby amended to read as follows:  
80

81 **Sec. 6-161(c)(1):**  
82

83 "(1) This Section may be enforced by:  
84

- 85 (1) The Director of the Department of Community Services and his designees  
86  
87 (2) The Fire Department Marshall and his designees  
88  
89 (3) The Police Chief and any sworn officer of the Carmel Police Department."  
90

91 Section 4. The remaining provisions of City Code Section 6-161 are not affected by the above  
92 amendments and remain in full force and effect according to their terms.  
93

94 Ordinance No. D-1810-06  
95 Page Two of Three Pages

Section 5. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 6. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1810-06

Page Three of Three Pages

**ORDINANCE D-1811-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF  
CARMEL, INDIANA, CONCERNING COUNCIL DISTRICT BOUNDARIES**

WHEREAS, the Common Council of the City of Carmel ("Council") has the authority to amend the Carmel City Code; and

WHEREAS, State Statute permits the Council to adopt an ordinance to divide the City of Carmel ("City") into five (5) Councilmanic districts in the year 2006 and that such Councilmanic districts are composed of contiguous territory, reasonably compact, and contain, as nearly as possible, equal population; and

WHEREAS, the Council desires to amend Chapter 3, Article 1, Division I, Section 3-3 of the City of Carmel, Indiana Code of Ordinances ("City Code") regarding redistricting of Councilmanic districts;

NOW, THEREFORE BE IT ORDAINED by the Council, as follows:

Section I. Chapter 3, Article 1, Division I, Section 3-3 of the City Code shall be replaced with language contained in this Ordinance.

Section II. Pursuant to I.C. 36-4-6-4, the Council consists of seven (7) members, two (2) of which are elected at large and five (5) of which are elected from single-member districts.

Section III. Two (2) members of the Council shall be elected from an electoral district that consists of all of the City and each voter of the City may vote for two (2) at-large candidates.

Section IV. The City is divided into five (5) single member districts, from each of which one member shall be elected by the voters in that district. The five (5) Councilmanic districts, numbered pursuant to authority granted the Council, shall contain precincts, the names and corresponding numbers of which are set forth in the Order adopted by the Hamilton County Board of Commissioners on November 28, 2005. The boundaries of each district are set forth below in numbered subsections (1) through (5).

(1). Councilmanic district Number One (1) consists of the following precincts: Arbors (37), Cheswick (62), Clay Center 1 (4), Clay Center 2 (57), Clay Center 3 (66), Clay Northwest (33), Pleasant Grove (partial) (19), Saddle Creek (63), Spring Farms (64), Springmill Ponds (52) and Thistlewood (46). Councilmanic district Number One (1) has a population total of Eleven Thousand One Hundred Forty Seven (11,147) persons based on the 2000 U.S. Federal Decennial Census ("Census") figures.

**Councilor(s) Sharp, Glaser, Griffiths, Kirby, Mayo**

(2). Councilmanic district Number Two (2) consists of the following precincts: Carmel Meadows (3), Dan Warren (8), Guilford (11), Hunters Creek (41), Lexington (43), Mt. Carmel 1 (17), Mt. Carmel 2 (44), Rangeline (20), Richland (21) and Stonehedge (32). Councilmanic district Number Two (2) has a population total of Ten Thousand Four Hundred Twelve (10,412) persons based on Census figures.

(3). Councilmanic district Number Three (3) consists of the following precincts: Brentwood (39), Brookshire 1 (2), Brookshire 2 (50), Brookshire North (34), Cool Creek North (7), Cool Creek South (26), Copperwood (53), Eden Brook 1 (9), Eden Brook 2 (30), Johnson Acres (29), Waterford (47), Woodgate (49). Councilmanic district Number Three (3) has a population total of Ten Thousand Six Hundred Ninety Six (10,696) persons based on Census figures.

(4). Councilmanic district Number Four (4) consists of the following precincts: Avian (35), Bay Hill (58), Brookfield Crossing (24), Cherry Tree (59), Clay Northeast (36), Hazel Dell (55), Kingswood 2 (51), Prairie View (65), Stonewick (60), White Chapel (23) and Woodfield (48). Councilmanic district Number Four (4) has a population total of Ten Thousand Six Hundred Fifty Three (10,653) persons based on Census figures.

(5). Councilmanic district Number Five (5) consists of the following precincts: Blue Creek (38), Briar Creek (1), Greensprings (10), Holaday 1 (12), Holaday 2 (40), Hunters Trace (13), Keystone (14), Kingswood 1 (42), Lakewood (27), Meridian (54), Mohawk Hills (16) and Woodland (25). Councilmanic district Number Five (5) has a population total of Ten Thousand three Hundred Ninety Three (10,393) persons based on Census figures.

Section V. Councilmanic districts are divided according to population figures set forth in Exhibit A to be retained with the permanent records of this Ordinance.

Section VI. The map or maps filed in connection with the submission of the re-districting plan adopted pursuant to Section IV of this Ordinance shall be referred to as the Carmel City Council Districts - 2007, Council District Map Prepared For The Carmel City Council By The Carmel GIS Department, Revised May 16, 2006, marked Exhibit B and attached hereto.

Section VII.

a. Any discrepancies or conflicts between the geographic boundaries of the precincts and the boundaries of the Census voting districts and any omission or duplicate assignment of any territory shall be resolved by reference to Clay Township Precinct Map, January 18, 2006, as prepared for the Hamilton County Clerk by the Hamilton County Surveyor or to the rules of construction stated in this Ordinance.

b. The districts in Section IV of this Ordinance shall be construed so as to include all of the territory of the City within one (1), but only one (1), of the districts established by this Ordinance.

**Councilor(s) Sharp, Glaser, Griffiths, Kirby, Mayo**

c. Section IV of this Ordinance shall be construed so as to exclude from all districts any territory not located in the City.

d. Any territory in the City which is omitted from a district shall be deemed to be included either (i) in the district that surrounds it if there be one or, (ii) if contiguous to two (2) or more districts, in the contiguous district that otherwise has the lowest total population.

e. Any territory which is included in more than one (1) district shall be deemed included only in either (i) the district whose boundaries surround it, or (ii) in the contiguous district which otherwise has the lowest total population.

Section VIII. The Council reserves the right to amend or revise the descriptions of the district set forth in Section IV of this Ordinance to correct any errors, duplications or omissions in the descriptions, to conform to any corrections or revisions of the Census data hereafter made by the U.S. Bureau of Census, to comply with any valid court order respecting this Ordinance, or for any other lawful purpose.

Section IX. All prior ordinances, or parts thereof, inconsistent with any provision of this Ordinance are hereby repealed.

Section X. This Ordinance shall be in full force and effect after its passage and signing by the Mayor for the primary, general, and any other special Councilmanic elections to be held in the year 2007 for Councilmanic officeholders taking office in 2008, and until such time as the Council adopts a subsequent ordinance concerning Council district boundaries for redistricting purposes.

PASSED by the Common Council of the City of Carmel, Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.



COMMON COUNCIL OF THE CITY OF CARMEL

Presiding Officer

Joseph C. Griffiths

Richard L. Sharp, President Pro Tempore

Kevin Kirby

Ronald E. Carter

Brian D. Mayo

Fredrick J. Glaser

Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented to me by the Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ .M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ .M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared By: Council President, Richard L. Sharp  
One Civic Square  
Carmel, Indiana 46032

**EXHIBIT "A"**  
**Carmel City Council Districts**

Population counts based on year 2000 U.S. Federal Decennial Census Figures

**Council District 1**

Total Population = 11,147

<u>Precinct</u>	<u>Population</u>
Arbors #37	1348
Cheswick #62	1305
Clay Center 1 #4	1104
Clay Center 2 #57	1190
Clay Center 3 #66	608
Clay Northwest #33	640
Pleasant Grove #19 (partial)	700
Saddle Creek #63	347
Spring Farms #64	1295
Springmill Ponds #52	1452
Thistlewood #46	1158

**Council District 2**

Total Population = 10,412

<u>Precinct</u>	<u>Population</u>
Carmel Meadows #3	668
Dan Warren #8	1096
Guilford #11	1546
Hunters Creek #41	911
Lexington #43	636
Mt. Carmel 1 #17	617
Mt Carmel 2 #44	923
Rangeline #20	1507
Richland #21	972
Stonehedge #32	1536

**Council District 3**

Total Population = 10,696

<u>Precinct</u>	<u>Population</u>
Brentwood #39	1612
Brookshire 1 #2	458
Brookshire 2 #50	748
Brookshire North #34	767
Cool Creek North #7	1335
Cool Creek South #26	744
Copperwood #53	642

### **Council District 3 (continued)**

<u>Precinct</u>	<u>Population</u>
Eden Brook 1 #9	910
Eden Book 2 #30	494
Johnson Acres #29	725
Waterford #47	582
Woodgate #49	1679

### **Council District 4**

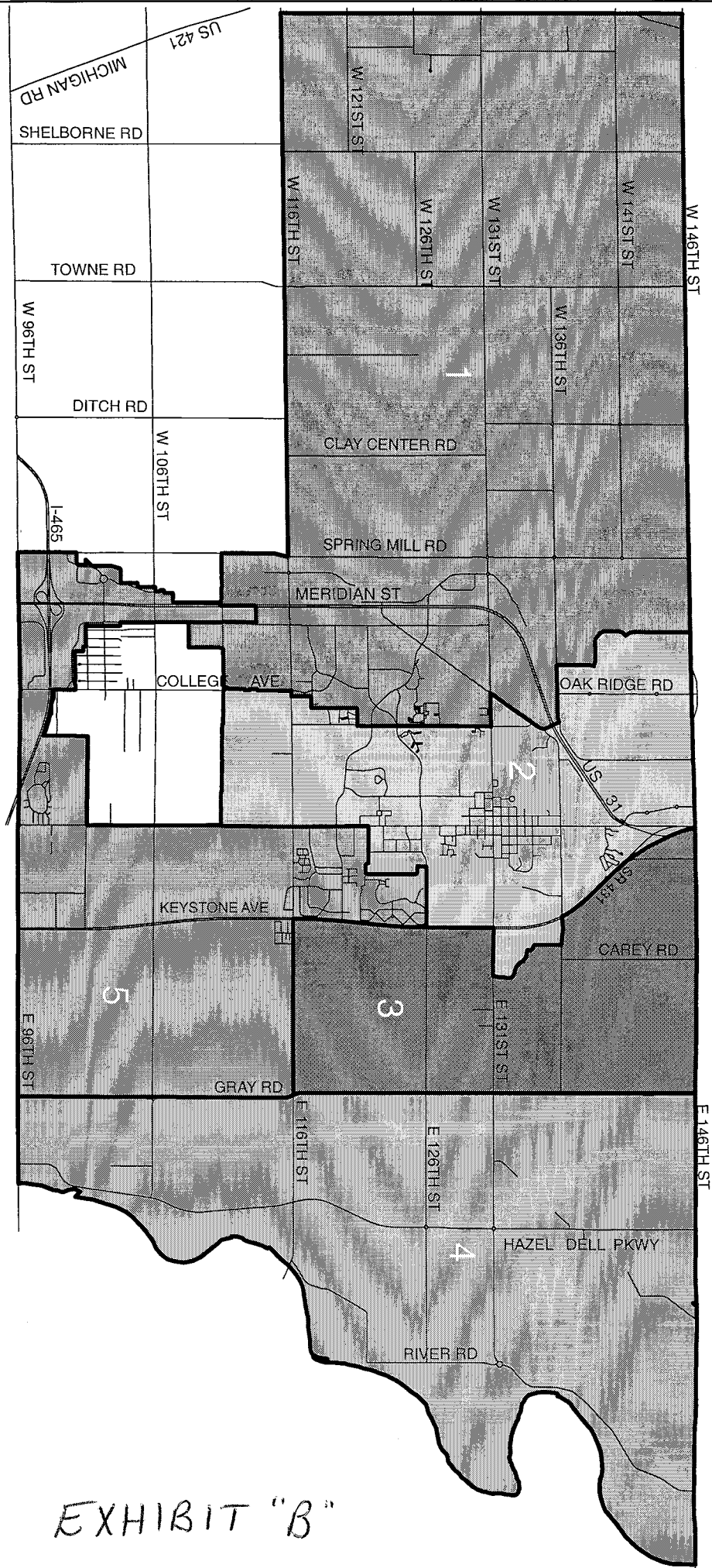
Total Population = 10,653

<u>Precinct</u>	<u>Population</u>
Avian #35	1583
Bay Hill #58	812
Brookfield Crossing #24	988
Cherry Tree #59	835
Clay Northeast #36	293
Hazel Dell #55	1323
Kingswood 2 #51	1540
Prairie View #65	560
Stonewick #60	1501
White Chapel #23	466
Woodfield #48	752

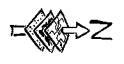
### **Council District #5**

Total Population 10,393

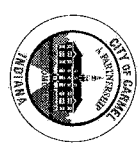
<u>Precinct</u>	<u>Population</u>
Blue Creek #38	1277
Briar Creek #1	969
Greensprings #10	523
Holaday 1 #12	900
Holaday 2 #40	686
Hunters Trace #13	1263
Keystone #14	962
Kingswood 1 #42	722
Lakewood #27	871
Meridian #54	438
Mohawk Hills #16	1309
Woodland #25	473



# 2006 PROPOSED CARMEL CITY COUNCIL DISTRICTS



- District 1
- District 2
- District 3
- District 4
- District 5
- Streets



CITY OF CARMEL, GIS  
MAY 16, 2006

EXHIBIT "B"

**RESOLUTION NO. CC-06-05-06-01**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
EXPRESSING INTEREST IN THE PURCHASE OF CERTAIN PROPERTIES VALUED AT  
OVER \$25,000 AND ASSOCIATED WITH THE CITY'S ROAD IMPROVEMENT PROJECTS**

**WHEREAS**, prior to the City's purchase of certain land or structures valued at over Twenty-Five Thousand Dollars (\$25,000.00), Indiana Code 36-1-10.5 requires the Common Council to indicate by resolution the City's interest in purchasing same; and

**WHEREAS**, the City has determined that some properties that it is interested in purchasing as part of the City's Road Improvement Projects may exceed Twenty-Five Thousand Dollars (\$25,000.00) in value.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Carmel, Indiana, that:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. The City of Carmel, Indiana, is interested in purchasing the following described properties, *or a portion thereof*, that may be valued in excess of Twenty-Five Thousand Dollars (\$25,000.00) and which are associated with the City's Road Improvement Projects:

1. Main St. Streetscape Heritage Lane to Monon Trail Carmel 05-02
  - a. John L. and Theodora Knight  
Property Address: 411 West Main Street  
Carmel, Indiana 46032  
Parcel ID Number: 16-09-25-04-02-005.000  
Instrument Number: Deed Record 358, Page 878 and Deed Record 284, Page 507.  
Project Parcel Number 1
  - b. John E. and Laurie R. Teichman  
Property Address: 331 West Main Street  
Carmel, Indiana 46032  
Parcel ID Numbers: 16-09-25-16-01-001.000  
Instrument Number: 200100082927 and Deed Record 284, Page 509.  
Project Parcel Number 2

- c. Bruce E. Petit  
Property Address: 311 West Main Street  
Carmel, Indiana 46032  
Parcel ID Number: 16-09-25-16-01-003.000  
Instrument Number: Deed Record 361, Page 600  
Project Parcel Number 3
- d. J. Scott and Laura W. Burton  
Property Address: 210 West Main Street  
Carmel, Indiana 46032  
Parcel ID Numbers: 16-09-25-02-03-016.000  
Instrument Number: 9909900242  
Project Parcel Number 4
- e. Manuel and Joyce S. Wethington  
Property Address: 321 West Main Street  
Carmel, Indiana 46032  
Parcel ID Numbers: 16-09-25-16-01-002.000  
Project Parcel Number 5

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Council Resolution No. CC-06-05-06-01

Page Two of Three Pages



Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006,  
at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
2006, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
James Brainard, Mayor

**ATTEST:**

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Council Resolution No. CC-06-05-06-01  
Page Three of Three Pages

SPONSOR: Councilor Glaser

ORDINANCE D-1782-05

AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF CARMEL, INDIANA  
TO VACATE A SEGMENT OF RIGHT-OF-WAY FOR RIVER ROAD

WHEREAS, E&H Mueller Development LLC, Martin Marietta Materials, Inc., and American Aggregates Corporation ("Petitioners") have filed a petition that a portion of River Road in the City of Carmel, Hamilton County, Indiana be vacated, pursuant to I.C. 36-7-3-12;

WHEREAS, the portion of the public right of way to be vacated (the "Right of Way Segment") is described as follows:

That remaining portion of River Road which exists South of 106<sup>th</sup> Street and paralleling the West Line of the East Half of Section 9, Township 17 North, Range 4 East. River Road extends south from 106<sup>th</sup> Street approximately 1,670 feet to its termination and is approximately parallel to the above described Section Line with the centerline of said road being approximately 26.5 feet east of said Section Line. River Road is approximately 20 feet in width. The whole distance of said road being 1,670 feet or 0.32 miles,

as more particularly depicted on Exhibit "A" hereto;

WHEREAS E&H Mueller Development LLC, Martin Marietta Materials, Inc., and American Aggregates Corporation, constitute all of the owners in fee simple or leasehold interest in and to the real estate that abut the Right of Way Segment, as more particularly described in Exhibits "B," "C;" "D," and "E" hereto, respectively;

WHEREAS, the Real Estate to be vacated is not properly improved, nor does it serve as a part of the general road system and the public will be benefited by its vacation by increasing security and limiting access to the public to the sand and gravel operation on the adjacent property; and

WHEREAS, with respect to the Real Estate, the Petitioners have entered into certain commitments with the City of Carmel Board of Zoning Appeals, in Special Use Application Docket No. 04040024-SU that require limited access to this portion of River Road and that are inconsistent for use as a public way.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that the Right-of-Way Segment be, and it hereby is, vacated, and ownership thereof shall revert to the Owner and successors, assigns, and grantees.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Mark Rattermann

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Richard L. Sharp

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the city of Carmel, Indiana this \_\_\_\_ day of  
\_\_\_\_\_, 2005.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
\_\_\_\_\_, 2005.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: Beth H. Henkel, Ice Miller, One American Square, Box 82001, Indianapolis,  
Indiana 46204-0200.